

DA24/0128 Lot 180 (26) Marri Crescent, Lesmurdie – Responses to Submissions

	Submission	Applicant's Response	City's Response
1	<ul style="list-style-type: none"> • Unhappy with the proposal as it creates an unacceptable impact on a heretofore quiet neighbourhood. • Had they been aware of the proposal they would not have opted to purchase in the area. • Unhappy the property is currently being leased on the Airbnb platform without proper approvals. • The current listing is inconsistent with the scope of the application (12 guests, 10 car parking places available). • Previous complaints have been unsatisfactorily addressed so the Management plan is not sufficiently robust to protect ongoing amenity expectations. <ul style="list-style-type: none"> ○ Illegal parking is a current issue – not adequately addressed in management plan. ○ Guest having parties currently – not adequately addressed in management plan. ○ Loud music later at night (parties past 10pm) currently an issue – not adequately addressed in management plan. 	<p>We understand the concern about maintaining the tranquil nature of the neighbourhood. The proposal has been significantly scaled down to a maximum of 6 adults. Additionally, the amendment of a Management Plan and a Code of Conduct will ensure that the property use aligns with the existing residential character. The Management Plan includes strict rules against excessive noise, parties, and other activities that could disrupt the neighbourhood's quiet ambiance.</p> <p>By proactively seeking approval and implementing robust management measures, the goal is to ensure that the proposed use harmonizes with the residential nature and does not detract from the living standards enjoyed by current and future residents. The current proposal is part of an effort to formalize the short-term rental use, ensuring compliance with local regulations and community expectations.</p> <p>The current listing has been amended to reflect the revised application, which limits the accommodation to 6 adults. Furthermore, the existing 6 parking bays arrangements that is available on site will be clearly outlined and limited to the available on-site parking spaces to prevent overflow onto the street.</p> <p>The Management Plan has been comprehensively revised to address past issues and future concerns effectively.</p> <p>Key enhancements include:</p> <p>Strict No-Party Policy: The property will have a zero-tolerance policy for parties, excessive alcohol consumption, and drug use. Any breach of these rules will result in immediate consequences, including forfeiture of bonds and potential legal action for damages.</p> <p>The Management Plan includes stringent controls to prevent and address any noise or party-related issues.</p> <p>Complaints Register is also added to the Management Plan to maintain a register of complaints which records all</p>	<p>The applicant has reviewed the operation processes and revised the property advertising profile to reduce occupancy numbers and provide a more robust management plan and house rules.</p> <p>The management plan modifications include contact details for facility manager and a complaints procedure. The aim is to provide a clearer pathway and connection point for adjoining neighbours and provide certainty in relation to the management process.</p> <p>The City and State Government is cognisant there has been considerable uncertainty in the short-term accommodation space in relation to the requirements for approvals. The applicant is endeavouring to work with the City to ensure the property has the appropriate approvals and can achieve registration in accordance with the State registration requirements.</p> <p>City of Kalamunda Tourism Development Strategy 2019 – 2025 identifies Welshpool Road East (WRE) as the 'Gateway to the Hills' providing easy access "up-the-hill". The proposal is noted for its proximity to WRE and the adjacent Whistlepipe Gully, Lesmurdie Fall, Lions Lookout, Hartfield Golf club etc.</p> <p>City of Kalamunda Economic Development Strategy identifies a shortage in accommodation offering to support the potential growth in overnight visitors.</p> <p>Local Governments are expected to amend Local Planning Scheme to align with the new STRA planning requirements by mid-2025. Amendments to local planning schemes will incorporate the new 'deemed' land uses into zoning tables, as well as remove any superseded land uses where relevant. As such this application precedes modifications to the City's Local Planning Scheme and Local Planning Policy 26.</p>

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		<p>complaints that result in a finding breach has occurred and immediate action will be taken against any violations. Guests will be informed of the rules upon booking and reminded during their stay.</p> <p>Guest Screening and Booking Controls: The system will transition to an approval-based booking process, particularly for local guests, to prevent misuse. A filter will be implemented to restrict bookings to guests with good reviews and no prior incidents.</p> <p>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>Visitor Policy: Guests are required to seek approval for any additional visitors beyond the booked number, and all visitors must leave by 9:00 PM to minimise disturbances.</p> <p>Noise Control: To address concerns about noise, guests will be required to adhere to quiet hours, particularly after 10:00 PM. Revised Management Plan incorporates Accommodation Manager contact details who is available after hours to respond to issues.</p> <p>To minimise any disruption to residents, tenants to only check in after 3pm and no later than 9.30pm on any day of the week.</p> <p>The neighbouring properties' outdoor living areas, including their bedrooms, are situated at a considerable distance from the proposed development's outdoor patio areas. Specifically, there is a separation of at least 30 to 70 meters between the outdoor spaces of the proposed development and those of the adjoining properties, as illustrated in the attached Aerial Photo 1.</p> <p>Moreover, due to the site's topography, the proposed dwelling is positioned at least 10 meters lower than the closest adjacent property.</p> <p>This elevation difference, coupled with two intervening</p>	
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		<p>retaining walls & solid brick fence, effectively creates a natural sound barrier, further mitigating potential noise impact on the surrounding homes. Refer to attached Aerial Photo 2.</p> <p>Parking: Clear instructions will be provided to guests regarding the use of designated parking spaces within the property only. The existing 6 parking bays that are available on site will be more than ample to cater for the guests.</p> <p>The number of cars will be limited to the available on-site parking to prevent overflow into neighbouring areas. Reduced max persons also limits the potential of parking overflow on the street.</p>	
2.	<ul style="list-style-type: none"> Unhappy with the proposal as it creates an unacceptable impact on families wishing to live in a heretofore quiet neighbourhood which was the rationale behind them moving to the area. The relatively isolated location creates opportunities for tenants interested in parties which will impact the adjoining properties in terms of noise, community issues, parking problems and crime. The management via a management company rather than an individual will distance and provide a buffer for amenity issues to the surrounding community. 	Refer to above response	As above
3.	<ul style="list-style-type: none"> Proposal is not appropriate for the area. 	<p>Regardless of its use as a Holiday House, the dwelling will fundamentally serve the purpose of human habitation.</p> <p>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> <p>The proposal for the Holiday House aligns with the typical accommodations found within residential areas. As part of the development approval process, a comprehensive Management Plan & stringent House Rules are implemented to address and manage potential issues arising from its use as a Holiday House.</p> <p>The inclusion of holiday house in a residential area does not inherently lead to negative impacts on the local community. To ensure this, stringent controls and regulations are put in</p>	As above

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		place to minimize any potential negative effects on residential amenity. These measures are designed to maintain harmony within the residential neighbourhood.	
4.	<ul style="list-style-type: none"> • Unhappy the property is currently being leases on the Airbnb platform without proper approvals. • Unhappy that parties hosted at the property to date have occurred on successive weekends, late into the night. • Unacceptable noise impacts • Uncontrolled unsafe parking • Current advert suggests capacity is inconsistent with application (12 guests) • Current advert promoted “ideal space for hosting gatherings”, creating unwanted impacted for adjoining properties. • Advert excerpt: <ul style="list-style-type: none"> ○ 12 guests 4 bedrooms · 11 beds · 2.5 baths ○ reunion with friends ○ massive decked entertaining area provides the perfect spot for outdoor celebrations and enjoying the breathtaking natural beauty that surrounds the home. 	<p>The property owner has applied for the necessary Change of Use approval to comply with local regulations. The current listing has been amended to reflect the revised application, which limits the accommodation to 8 guests. Furthermore, parking arrangements will be clearly outlined and limited to the available on-site parking spaces to prevent overflow onto the street, addressing the discrepancy and aligning with the proposal's scope.</p> <p>The property owner has proactively sought Change of Use approval to ensure full compliance with local regulations. According to DPLH Bulletin 115/2023 (STRA - Interim Guidance for Local Government), Unhosted Short-Term Rental Accommodation (STRA) operated on an ad-hoc basis is typically considered ancillary to the primary residential use and thus may be exempt from development approval if operated for 90 nights or less within a 12-month period.</p> <p>However, the owner has applied for Change of Use approval to responsibly address potential market demand and future operational needs, ensuring that the property remains compliant should it be rented for more than 90 nights annually.</p>	As above
5.	<ul style="list-style-type: none"> • Concerns re parking and traffic management • Driveway is steep and gated meaning large vehicles park on the roadway creating issues for road users. • Concern re noise and amenity impacts from parties. 	The revised proposal, supported by a comprehensive Management Plan and stringent operational controls, addresses all the concerns raised by the submitters. By reducing the scale of use, implementing strict regulations, and maintaining open communication channels for immediate complaint resolution, alongside the application of planning conditions, the proposal effectively manages and mitigates the planning concerns. This ensures that the development integrates harmoniously with the existing residential environment.	As above
6.	<ul style="list-style-type: none"> • Not complaint with acceptable bushfire solution 	Revised documentation to address bushfire documentation was provided to DFES for review	Changes to the State Government's bushfire planning framework detail that as of 18 November 2024 a 'vulnerable land use' does not include a change of use in an existing single house or ancillary dwelling, including Short Term Rental Accommodation (STRA).

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			<p>A Good Host Pack for short-term rental accommodation owners has been prepared by Department of Energy Mines, Industry Regulation and Safety (DEMIRS), which includes information from the Department of Fire and Emergency Services (DFES), with messaging encouraging STRA operators to ensure they have a bushfire plan in place and to communicate this with their guests.</p> <p>The landowner has exceeded this requirement.</p>
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