

**Proposed Amendment to District Planning Scheme No 2**

1. Clause 3.4 is amended by inserting the following after (c):

“provide the opportunity for appropriately located and managed short stay accommodation.”
2. Table 1 is amended by inserting the use class “short stay accommodation” and designating that use as “A” in the Residential Zone, “D” in the Mixed Use, Business, Commercial and Private Clubs and Recreation zones, and “X” in all of the other Zones.
3. Table 2 is amended by inserting the use class “short stay accommodation” and inserting “2 bays per unit” in the column headed “Number Of Onsite Parking Bays”.
4. Schedule 1 is amended as follows:
  - (a) the definition of “dwelling” is amended by inserting the following words after the semi colon:

“for the purpose of the definition of “dwelling” habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;”;
  - (b) a new definition is inserted as follows:

“short stay accommodation” means the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”;
  - (c) deleting the definition of “residential building” and substituting the following new definition:

“residential building” means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school;”

## **POLICY No    SHORT STAY ACCOMMODATION**

|                                 |  |
|---------------------------------|--|
| <b>STATUS:</b>                  | <p><b>City Policy</b> - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i></p> <p><b>City policies are referred to Council for review and endorsement.</b></p>  |
| <b>RESPONSIBLE DIRECTORATE:</b> | Planning and Community Development   |
| <b>OBJECTIVE:</b>               | <p>To specify standards of development and use for sites proposed to be used as short stay accommodation.</p> <p>To protect the amenity and character of adjoining residential areas by minimising potential impacts associated with short stay accommodation.</p> |

### **AUTHORITY**

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

### **POLICY AREA**

This policy applies to the whole of the City of Joondalup.

### **POLICY STATEMENT**

Short stay accommodation is defined within the District Planning Scheme as:

“the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”

This policy does not apply to Residential Building, Bed and Breakfast, motel, or hotel proposals, as these are separately and specifically defined under DPS2.

### **Amenity Impacts**

This policy aims to protect the residential amenity of permanent term residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as:

- excessive noise and/or anti-social behaviour
- potential increased demand for car parking
- sense of loss of security
- poor property appearance and maintenance

To ensure these amenity impacts are minimised, the following will apply:

### 1. Location criteria within Residential zones

The Council will consider relative merits and compatibility of the proposal with the surrounding areas. Criteria that will be considered include (but are not limited to) whether the use will-

- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users,
- not result in the generation of traffic beyond that of adjoining residential properties,
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion,
- be located within close proximity of supporting and complementary land uses and opportunities (like shops, transport networks, entertainment facilities etc)

### 2. Short Stay Accommodation within Grouped and Multiple Dwellings

Short stay accommodation is required to be separated from permanent dwellings that may be located on the same site or building. This can be achieved by exclusive access arrangements (vehicular and/or pedestrian), separate floors for short stay accommodation in multi storey buildings, provision of separate communal open space areas for short stay accommodation.

Short stay accommodation is not to form the predominant land use in situations where residential dwellings and short stay accommodation are located on the same site.

### 3. Management Plan

A management plan is required to be submitted at the time of lodging the application. The operation of the short stay accommodation is then required to be in accordance with that approved Plan. The management plan shall cover and/or include:

- The control of noise
- Complaints management procedure
- The on-going maintenance of the premises and all common property areas
- Security of guests, residents and visitors
- Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.
- Parking Management Plan
- Compliance with House Rules such as recycling

- Exclusive use of storage areas by the occupier of the accommodation.
- If located on a strata-titled development, appropriate by-laws being entered into the strata management statement acknowledging the short stay activity on the site.

The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

#### 4. Guest Register

A register of all persons occupying the accommodation is required to be kept.

The register shall:

- (a) show the name and address of every person staying within the accommodation and the unit occupied
- (b) be signed by the person
- (c) include the date of arrival and departure
- (d) be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.

#### 5. Annual Renewal

Where short stay accommodation is located in or abutting the Residential Zone, or where a short stay accommodation is located on the same site or building as dwelling/s, the time limit for any approval granted will be not more than 12 months. A fresh approval will be required after that time if the use is proposed to continue.

#### **Details Required For Planning Application**

In addition to the management plan referred to above, and normal planning application requirements (for lodgement of plans), the following additional information is required be submitted on application for planning approval:

1. Information justifying the proposed location of the accommodation, and
2. Justification as to how and why the proposed accommodation will be compatible with the adjoining area.

#### **Compliance with Health Act 1911 and City Of Joondalup's Health Local Law.**

The development of short stay accommodation may be classified as a Lodging House under the City of Joondalup Health Local Law. ***Strict requirements apply to Lodging Houses, and potential applicants are advised to be familiar with these requirements and incorporate those requirements into the proposal, prior to the application being submitted.***

#### **Advertising of Proposal**

Advertising requirements are established in District Planning Scheme No 2.

**Related Documents**

District Planning Scheme No 2  
Planning Application Fact Sheet  
Health Local Law

**PROPOSED AMENDMENT NO 36  
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 26 DECEMBER 2007)**

| NO | NAME OF SUBMITTER                       | DESCRIPTION OF AFFECTED PROPERTY           | SUBMISSION SUMMARY                   | OFFICER OR COUNCIL'S COMMENTS  |
|----|---|--|--------------------------------------|--|
| 1  | Confidential - name withheld by request | Confidential - address withheld by request | Neutral<br>See Attachment 4 Page 1   | While the comments are generally supported, it is noted that the City is not responsible for issues such as the maintenance/cleanliness of the property, the advertising of the property. As with any other approvals issued, compliance with the planning approval issued can be enforced through the provisions of the District Planning Scheme. In the event that the amendment/policy is adopted, information can be made available to the public on the need for approval prior to commencing short stay accommodation. A requirement for annual renewal of planning approval would ensure that the accommodation is being managed appropriately in terms for issues such as noise and car parking. |
| 2  | Western Power                           | N/A  | Neutral<br>See Attachment 4 Page 7   | Noted  |
| 3  | Public Transport Authority              | N/A  | Neutral<br>See Attachment 4 Page 8   | Noted  |
| 4  | W Hutchinson                            | 8 Bankhurst Way<br>Greenwood 6024          | Objection<br>See Attachment 4 Page 9 | The purpose of the amendment/policy is to provide control and guidance to the establishment of short stay accommodation. It is noted the proposal is in no way linked to houses of prostitution in residential areas. The point of view that short stay  |

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(CLOSED 26 DECEMBER 2007)**

|   |                         |                                 |                                       |  |
|---|-------------------------|---------------------------------|---------------------------------------|--|
|   |                         |                                 |                                       | accommodation is not appropriate in a residential area is acknowledged, however the purpose of the policy is to provide guidance as to location and management of the facilities to minimise any negative impact on the adjoining area.  |
| 5 | V Sucklin<br>Tourism WA | N/A                             | Neutral<br>See Attachment 4 Page 10   | A number of proposed definitions for short stay accommodation are given. Suggests the use of draft Model Scheme Text definition for short stay accommodation, and suggests that the MST definition is quite different from the draft proposed definition. It is noted that the draft MST definition does not provide any guidance on the density of short stay accommodation, and this is an important aspect of the draft COJ definition. |
| 6 | M Caiacob               | 7 Rowan Place<br>Mullaloo 6027  | Objection<br>See Attachment 4 Page 13 | See submission 4 above.<br>The SAT made a decision on an application on the planning 'rules' of the day, and the circumstances of the particular proposal. Council can consider amendments to the objectives of the Scheme to align with desired outcomes.   |
| 7 | T Thorp                 | 75 High Street<br>Sorrento 6020 | Objection<br>See Attachment 4 Page 15 | The submission uses the SAT ruling on the Foston Drive application as the basis for the objection. The SAT decision was based on the merits of the particular proposal and its location. This does not mean that other locations with the Residential Zone, and the merits of a particular proposal, lead to a conclusion that no short stay accommodation activity is suitable in the Residential Zone.                                   |

**PROPOSED AMENDMENT NO 36  
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 26 DECEMBER 2007)**

| Submissions received after the extension of time |  |  |  |  |
|--|--|--|--|--|
| 8  | B Drabble x 2 identical submissions on different dates | 3 Killarney Close<br>Conolly, 6027                                 | Objection<br>See Attachment 4 Page 17  | The submission refers to the reduction of safety, security of the residential area. Although the submission does not make any comment on the draft policy, the draft policy acknowledges the potential impact of short stay accommodation on the residential area, and stipulates measures to minimise that potential impact.<br>The submission indicates objection to the definition of short stay not stating that it is a dwelling to ensure density is applied. This is incorrect, as the definition clearly refers to short stay accommodation being a single, grouped or multiple dwelling, and therefore being subject to density controls. |
| 9  | D Drabble  | 6 Gibbs Street<br>Mullaloo, 6027/ PO Box<br>94 Newdegate, WA, 6355 | Objection<br>Same wording as submission No 8<br>See Attachment 4 Pages 43 & 44 | See submission 8   |
| 10   | P & V Wilkinson  | 17 Naval Parade<br>Ocean Reef 6027                                 | Objection<br>See Attachment 4 Page 19  | The draft policy aims to minimise the potential impact on adjoining owners by ensuring appropriate management and standards. These standards would be conditions on the any planning approval issued, and therefore enforceable by the City.   |
| 11   | T Sideris  | 12 Page Drive<br>Mullaloo  | Objection<br>See Attachment 4 Page 20  | See submission 8   |
| 12   | M Sideris  | 12 Page Drive<br>Mullaloo  | Objection<br>See Attachment 4 Page 21  | See submission 8   |
| 13   | Kingsley & Greenwood Residents Association             | <a href="mailto:hrchester@yahoo.com">hrchester@yahoo.com</a>       | Objection<br>See Attachment 4 Page 24  | See submission 8. The submission states that these properties could be used for prostitution, however, it is unclear how this  |



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SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 26 DECEMBER 2007)**

|    |                 |                                    |  |  |
|----|-----------------|------------------------------------|--|--|
|    |                 |                                    |  | link is made. Notwithstanding, there is no link between the draft proposal and prostitution.   |
| 14 | J Worth         | 5 Aurora Grove<br>Ocean Reef 6027  | Objection<br>Same wording as submission No 8<br>See Attachment 4 Pages 43 & 44   | See submission 8   |
| 15 | S Adair         | 4 Cooper street<br>Mullaloo 6027   | Objection<br>Same wording as submission No 8 (See Attachment 4 Pages 43 & 44), however, adds following point:<br>"There is no minimum stay and these properties could be used for prostitution." | See submission 8.  |
| 16 | M Zakrevskey    | 49 Korella Street<br>Mullaloo 6027 | Objection<br>See Attachment 4 Page 26  | See submission 8.  |
| 17 | V K Zakrevsky   | 49 Korella street<br>Mullaloo 6027 | Objection<br>See Attachment 4 Page 27  | See submission 8   |
| 18 | B Steene        | 59 Durack Way<br>Padbury           | Objection.<br>See Attachment 4 Page 28   | See submission 8   |
| 19 | Marie Macdonald | 5 Mair Place<br>Mullaloo           | Objects<br>See Attachment 4 Page 29  | See submission 8<br>To say that the SAT will apply discretion to allow short stay accommodation in the Residential area is incorrect. The SAT will consider any proposal on the merits of that proposal. There is no automatic exercise of discretion by the SAT.<br>The Tourism Plan regards short stay accommodation in a broad sense, including hotels. The tourism plan does not specifically address the type of accommodation being discussed, and appropriate locations.<br>Short stay accommodation encompasses more than just tourist related activities. |

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|    |               |  |  |  |
|----|---------------|--|--|--|
|    |               |  |  | <p>People may wish to stay in short stay accommodation for work or education related stays. The Tourism plan focuses on strategic tourist centres. The proposed amendment and policy is not considered to be in conflict with the Tourism Policy.</p> <p>The definition of 'dwelling' is proposed be amended to define the term 'permanent'. This proposed amendment does not affect people who may work away, or take holidays, as the dwelling is still their permanent residence.</p> |
| 20 | I O'Reilly    | 19 Atoll Court<br>Mullaloo 6027                                  | <p>Objection</p> <p>Same wording as submission No 8 (See Attachment 4 Pages 43 &amp; 44), however, adds following point:<br/>"There is no minimum stay and these properties could be used for prostitution."</p> | See submission 8   |
| 21 | A Kay         | 12 Bouvardia Way<br>Greenwood 6024                               | <p>Objection</p> <p>Same wording as submission No 8 (See Attachment 4 Pages 43 &amp; 44), however, adds following point:<br/>"There is no minimum stay and these properties could be used for prostitution."</p> | See submission 8   |
| 22 | J McBride     | 3 Baffin Lane<br>Iluka   | <p>Objection</p> <p>See Attachment 4 Page 33</p>   | See submission 10  |
| 23 | B Robinson    | 40 Whitmore Terrace<br>Heathridge                                | Same as Submission 18  | See submission 8   |
| 24 | H Robinson    | 40 Whitmore Tce<br>Heathridge                                    | Same as Submission 18.   | See submission 8   |
| 25 | J & W Herbert | <a href="mailto:jherbert@iinet.net.au">jherbert@iinet.net.au</a> | <p>Objection</p> <p>See Attachment 4 Page 34</p>   | The submission relates the draft amendment and policy to prostitution. The proposal does   |

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(CLOSED 26 DECEMBER 2007)**

|    |                   |                              |   |   |
|----|-------------------|------------------------------|---|---|
|    |                   |                              |   | not allow or encourage prostitution from short stay accommodation.  |
| 26 | K Ligthart Schenk | 20 Bankhurst Wy<br>Greenwood | <p>Objection<br/>Same wording as submission No 8 (See Attachment 4 Pages 43 &amp; 44), however, adds following points:<br/>                     "There is no minimum stay and these properties could be used for prostitution."<br/>                     "There is no limit to the number of persons who can occupy this accommodation."<br/>                     "At this point there is no rules for those building short stay just for those using dwellings."<br/>                     "I object to short stay being an A use within the residential zone and request that this amendment is rejected and the intent and objective of the residential zone is upheld with no addition allowing short stay and short stay being an X (not permitted) use in the use class table.<br/>                     "As stated in the report residential building has no development requirements and this amendment does not address that and at a minimum such accommodation should not be permitted below R35."</p> | See submission 8  |
| 27 | G Moon            | 6 Carew Place<br>Greenwood   | <p>Objection<br/>Same as submission 26</p>  | See submission 8  |
| 28 | M Moon            | 6 Carew Place<br>Greenwood   | <p>Objection<br/>See Attachment 4 Page 36<br/>Also same as submission 26</p>  | <p>See submission 8<br/>The submission seeks to make a distinction between short stay accommodation for respite type purposes versus short stay accommodation for tourist related purposes.</p> |

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(CLOSED 26 DECEMBER 2007)**

|                  |              |  |  |  |
|------------------|--------------|--|--|--|
|                  |              |  |  | However, the planning implications, including the potential impact on the adjoining residential area would be similar. |
| 29               | M & P Berney | <a href="mailto:patrickberney@bigpond.com">patrickberney@bigpond.com</a> | Objection<br>See Attachment 4 Page 42  | See submission 10  |
| 30               | D Kelly      | <a href="mailto:dawnkelly@iinet.net.au">dawnkelly@iinet.net.au</a>       | Objection<br>Same as submission 26   | See submission 8   |
| Late Submissions |              |  |  |  |
| 31               | H & P Kraus  | 6 Bluewater Rise<br>Mullaloo WA 6027                                     | Objection<br>Same wording as submission No 8 (See Attachment 4 Pages 43 & 44), however, adds following point:<br>"There is no minimum stay and these properties could be used for prostitution." | See submission 8   |

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City of Joondalup DOCUMENT REGISTRATION  
Reference # : 81593 72584 33324  
Letter # : 743554  
Action Officer : PL01 CC: APES06 APP00  
Date Received : 05/11/2007  
Action Required: NOTE

**Confidential**

29 October, 2007

The Planning Department,  
Joondalup City Council,  
Joondalup. 6027

Dear Madam/Sir,

Re: Public Opinion – Holiday Lets in Joondalup Shire

I understand public opinion is being sought regarding Holiday Lets in the Joondalup Shire. I am aware and have been inside several of these in Spyglass Grove so feel I can comment with some accuracy.

I believe there is a need for holiday lets, but that careful assessment and regulation is required to ensure :

- Permits are obtained before the holiday let is allowed to commence operation (this needs to be publicised so we all know it is a requirement). The owner of No. 81 has run 3 businesses from these premises and not had a permit for any of them including the holiday let currently in operation. There has never been a booking of 3 months or more. Perhaps web sites like ozstay and stayz should be told not to accept any entries unless the owner provides a certified copy of their permit from the Council.
- Advertising of holiday lets needs to be checked thoroughly to ensure it is accurate prior to letting commencing, with periodical checks to ensure it stays accurate. For instance No. 81 Spyglass Grove advertises she has parking for 2 cars. She has one car bay available. The garage is full of junk and not available for use by the tenants. See this link to confirm ([stayz.com.au/18450](http://stayz.com.au/18450)). The result is that the communal driveway (easement) has been blocked affecting the access of other innocent owners. Several others in our street also don't offer the garage for use so there are extra cars parking in the narrow street which cause traffic problems.
- Safety, Cleanliness & Maintenance Inspections should take place prior to the holiday let commencing operation and periodically during the letting (eg. fire extinguishers/blankets don't exist in any of the holiday lets I have seen. Several have dirty walls, carpets, windows and mould problems. Also insufficient parking as mentioned above). Perhaps the Dept of Tourism needs to be involved in some way.

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- Management of holiday lets by the owner needs to be of a high standard. A list of rules should be approved by the council and given to all tenants. Spyglass Grove is on a golf course. No. 81 Spyglass Grove backs onto this course and many of the tenants there have used the course as a playground for their children and to practise their golf. Both are forbidden and cause disruption to official golfers and other residents. Only official golfers are allowed on the course. The Joondalup Golf Resort and other residents are having to deal with these issues relating to No. 81 and several other holiday lets. This isn't fair on them or on other residents. It is the owner's responsibility to tell the tenants not to go on the golf course unless they are playing an official game. This isn't happening and most don't have a list of rules.
- Noise – as part of the list of rules it should be made clear that parties and excessive noise are not allowed.
- Parking – Sufficient parking is not always available. The garages in the Dunes Estate, Spyglass Grove (if they are available and mostly they are not) are very narrow and 4 wheel drives or large sedans find it difficult to use them. This should be considered at the time of assessment as to whether a permit is to be granted. Communal driveways should be kept free at all times and this should be made very clear and be on a list of rules given to tenants. The street is narrow and often the Council rubbish truck and on several occasions ambulances and fire trucks cannot proceed along the street because of cars parking on both sides. We even had a huge 50 seater coach parked in the street recently which was part of a holiday let !! This should not be allowed in a residential area.
- Duration of Holiday lets – I feel anything less than one week should not be allowed. It is very disruptive to others when several changes of tenants happen in a week as well as having the cleaners/owners coming and going. The owner of No. 81 comes and goes even when there are tenants there (often parking in the driveway blocking access) She comes to put bins out, bring bins in, makes excuses to come and weed the garden, take things out of her garage, or put more junk into her garage – all of which could wait until the tenants have gone. Other tenants put the bins out themselves. Having tenants and the owner coming and going means extra disruption.
- Numbers of tenants at a time – Several townhouses in Spyglass are not monitoring the number of people sleeping at the premises. The booking may be for 6 and there may be 6 beds, but extras then turn up. Although I have never seen this, I have heard of children sleeping on the floor in some of them.

ATTACHMENT

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Please can this enquiry into holiday lets be done as soon as possible.  
Spyglass Grove would be a good place to start with inspections and  
any review as there are and have been many issues that need  
addressing. Perhaps No. 81 Spyglass Grove should be first on the list.  
Kind Regards

ATTACHMENT

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WA > Perth > Joondalup > Paradise Resort

### Paradise Resort

Joondalup, WA



6 4

\$125 - \$195 / night

Stayz Booking Score

442

Since 22 Jan 2006

Gold What's this?



[Availability Calendar](#) | [Rates](#) | [Description](#) | [Features](#) | [Guest Reviews](#) | [Map](#) | [Photo Gallery](#)



**ATTACHMENT**

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**Accommodation Rates**

**\$140.00 / Night**

**\$980.00 / Week**

**\$295.00 / Weekend**

**\$140.00 / Night Midweek**

Champagne Wk-End \$295

Extra Adult: 10.00 / night

Extra Child: 5.00 / night

\$500 Bond Required

**Min Stay: 3 nights**

Max Stay: 59 nights

Property sleeps: 6

Number of beds: 4

2 Aug 2007 - 2 Dec 2007

**\$195.00 / Night**

**\$1,225.00 / Week**

champagne week-ends \$295

15 Dec 2007 - 29 Jan 2008

**\$350.00 / Weekend**

Extra Adult: 25.00 / night

**Min Stay: 3 nights**

Max Stay: 59 nights

Property sleeps: 6

Number of beds: 4

Discount: 10% within 1 week

**\$195.00 / Night Midweek**

Pricing for 4 people, \$25 extra per person per night

**\$195.00 / Night**

changes regularly

29 Jan 2008 - 10 Apr 2008

**\$1,365.00 / Week**

Extra Adult: 25.00 / night

**Min Stay: 3 nights**

Max Stay: 59 nights

Property sleeps: 6

Number of beds: 4

Discount: 10% within 1 week

**\$295.00 / Weekend**

**\$195.00 / Night Midweek**

Pricing for 4 people, \$25 per person per night extra

### Extras

Baby facilities, cot linen, : \$20.00

Note: Pricing is subject to change. You should confirm pricing with the property owner.

The residence is situated directly on the 1st green of Joondalup's Premier world class 27 hole Golf Resort which is one of Australia's finest. There is abundant native wildlife such as kangaroos and birds of all types.

The Resort set in picturesque grounds is a 2 minute walk with restaurants, bars & coffee shops, this is all just minutes away from fabulous beaches.

This property features :

Two lounges - one with Foxtel Cable TV, Kitchen with dishwasher, washing machine, clothes dryer, microwave, 3 bedrooms, two with en-suite, 2 Queensize beds, one bedroom with bunks, Two outdoor areas, BBQ, both with outdoor furniture, parking for two cars.

### Nearby Attractions

Spectacular elevated treetop bush walk within 100 meter's away

Cycle track to the famous Hillarys Marina, shops, restaurants and AQWA (Underwater World)

Joondalup Resort, 2 min walk with bars and restaurants

Sunset Coast tourist drive 1 Km away

3min drive to pristine beaches on the Indian Ocean

Joondalup Town Centre 3 Km

Local shops and restaurants 2min drive

Lake Joondalup wildlife Sanctuary 3 Km

Direct access to Freeway- Perth CBE 25 Min

Rail direct into City 3 Km

### All Facilities

This property has full cooking facilities, bedding and towels are provided.

# ATTACHMENT

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7

-----Original Message-----

From: karen.hughesmore@westernpower.com.au [mailto:karen.hughesmore@westernpower.com.au]On Behalf Of customer.contact.centre@westernpower.com.au  
Sent: Tuesday, 20 November 2007 8:25 AM  
To: Catchpole, Graeme  
Subject: NCSW-07-24416 - Graeme Catchpole (City of Joondalup) - District Planning Scheme No 2 - Amendment 36 (3 Glenelg Place, Connolly & 17 Foston Drive, Duncraig)

To: Graeme Catchpole  
From: Karen Hughes-More  
Organisation: City of Joondalup Section: Customer Support  
Email / Fax: graeme.catchpole@joondalup.wa.gov.au  
Our Ref: NCSW-07-24416  
Your Ref: 81593

Date: 20/11/07 No of pages: 1

Re: District Planning Scheme No 2 - Amendment 36  
(3 Glenelg Place, Connolly & 17 Foston Drive, Duncraig)

Dear Graeme,

Western Power, wish to advise that there are no objections to the changes you propose to carry out for the above-mentioned project.

Perth One Call Service (Phone 1100 or 9424 8117) must be contacted and location details (of Western Power's underground cable) obtained prior to any excavation commencing.  
Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.

Western Power is obliged to point out that the cost of any changes to the existing (power) system, if required, will be the responsibility of the individual developer.

Yours faithfully,

Karen Hughes-More  
Network Services Officer



Public Transport Authority  
Government of Western Australia



Transperth

4 December 2007

Your ref: 81593  
Our ref: TP/03/45  
Enquiries: Lom Piggott  
Phone: 9326 2438

┌ Chief Executive Officer ┐  
City of Joondalup  
PO Box 21  
JOONDALUP WA 6919  
└ ───────────────────────────┘  
L ─────────────────────────── J

Dear Sir/Madam

**RE: DISTRICT PLANNING SCHEME NO 2 - AMENDMENT 36**

I am replying to the letter dated 12 November 2007 relating to the above matter.

From the information provided, the amendment is not seen to impact Transperth operations.

As such Transperth have no specific comments or objections at this stage.

Yours sincerely

Lom Piggott  
Service Planning Officer  
Transperth, Regional & School Bus Division

City of Joondalup DOCUMENT REGISTRATION  
Reference # : 81593  
Letter # : 748855  
Action Officer : PL01 CC: APES06  
Date Received : 07/12/2007  
Action Required: NOTE  
Note : ORIG TO A/OFFICER

# ATTACHMENT

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9

**From:** William Hutchinson [weh\_hutchinson@yahoo.com.au]  
**Sent:** Tuesday, 11 December 2007 3:01 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** Proposed Amendment No 36 To City Of Joondalup District Planning Scheme No 2 (dps2) - Short Stay Accommodation

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036  
Other RMS Refs:  
Letter Number: 749359  
Action: NOTE  
Action Officer: PL01  
CC: APES06  
Indexed on: 11/12/2007

-----Following text is for indexing purposes only-----

I would like the council to know that we have concerns over this amendment as it has the potential to fundamentally change residential areas into areas which are fundamentally a mix of holiday lets, and, potentially, houses of prostitution. Whilst I am not opposed to either of these, they should be in designated areas as they are not conducive to normal residential expectations. I hope the council rejects the proposition as planner should designate areas with the assistance of residents.. If this proposition goes through there will be no control at all.

Regards

W and J Hutchinson

8 Bankhurst Way, 6024.

- - - 4 - -

**From:** Vicki Suckling [Vicki.Suckling@westernaustralia.com]  
**Sent:** Friday, 5 October 2007 2:47 PM  
**To:** Catchpole, Graeme  
**Cc:** Corthals, Chantal  
**Subject:** Draft Short Stay Accommodation Policy - City of Joondalup

----- added by Records Services of City of Joondalup -----  
 RMS File Reference: 72584 | Council - Policy - Short Stay Accommodation  
 Other RMS Refs: 22597  
 Letter Number: 739071  
 Action: NOTE  
 Action Officer: PL01  
 CC: APB01 APES06 APP01 MAPES PL07  
 Indexed on: 8/10/2007

-----Following text is for indexing purposes only-----

Hi Graeme

Apologies for the delay in getting comments back on this policy.

I had previously made some comments and tracked some changes on the policy, however after speaking with you about the intent and objective of the policy, I've reviewed it again and for the most part, the principles included are sound. Nevertheless I still have a couple of queries regarding it, and there is still a bit of confusion in my mind about what type of use/development it is intended to address. My first impression (as I think I mentioned to you) was that the policy is intended to address 'holiday homes', however from your perspective the term 'holiday' assumes they will be used by tourist/leisure market, whereas there is also the short stay corporate/resident to consider. However for the purposes of the policy, I am still under the impression that its intent is to regulate the use of residential dwellings for short stay purposes (which for the sake of argument are termed 'holiday homes' in most areas).

On an aside, the Joondalup scheme lists the following definitions for short stay/tourist accommodation -

Resort  
 Motel  
 Hotel  
 Holiday village  
 Caravan park

It is almost as though these terms are 'development', whereas 'short stay accommodation', because it is such a broad term could refer to the 'use' - or length of stay permitted, as opposed to 'permanent accommodation'. (ie resort, motel etc is also technically 'short stay accommodation').

Saying all this, the Tourism Planning Taskforce Report provides definitions of tourism uses which are not currently included in the model scheme text. The intent is that the MST will be amended to incorporate these definitions, so we are encouraging local governments to consider using these as standard - consistency being the purpose behind the MST.

The definition for short stay accommodation is:

"means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development where occupation by any person is limited to a maximum of three months in any 12 month period and excludes those uses more specifically defined elsewhere."

As you can see, it is quite different to the proposed Joondalup definition.

FYI, the Tourism Planning Taskforce Report definition of 'holiday home' is "a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere".

The City of Bunbury is trying to address the use of residential dwellings for short stay use through their draft tourism planning strategy. The definitions/principles which have been proposed for these uses (called 'unrestricted residential accommodation' rather than holiday home) are provided below:

(for new dwellings)

An "unrestricted residential accommodation" use, where granted planning approval on premises in conjunction with a residential dwelling use, is for the purposes of providing 'short-stay accommodation' generally on a commercial basis, but shall not be subject to residential tenancy agreements within the meaning of the Residential Tenancies Act 1987.

Such a use is to be designed and constructed in accordance with the Residential Design Codes, and as such, may be intended or appropriate for occupation on a permanent or short-term basis by reason of one or more of the following:

- the site is located in a residential area that is also located in a position of strategic tourism importance that is considered appropriate for permanent dwellings; or
- the site is close to community services and infrastructure (eg. public transport), as well as being in proximity to tourism based amenities, attractions and activities; or
- the short-stay units/apartments are designed and constructed to a standard that is the same as required for permanent dwellings.

An "unrestricted residential accommodation" use is to be applied to an entire building, wing or floor, subject to adherence to an acceptable management plan submitted at the application for planning approval stage. In the case of grouped or multiple dwellings, the management plan must be ultimately approved and enforced by the appropriate body corporate.

(for existing dwellings)

An "unrestricted residential occupation" use, where granted a license on premises in conjunction with a residential dwelling use, is for the purposes of providing 'short-stay accommodation' generally on a commercial basis, but shall not be subject to residential tenancy agreements within the meaning of the Residential Tenancies Act 1987. Such a use is to be designed and constructed in accordance with the Residential Design Codes, and as such, may be intended or appropriate for occupation on a permanent or short-term basis by reason of one or more of the following:

- the site is located in a residential area that is also located in a position of strategic tourism importance that is considered appropriate for permanent dwellings; or
- the site is close to community services and infrastructure (eg. public transport), as well as being in proximity to tourism based amenities, attractions and activities; or
- the short-stay units/apartments are designed and constructed to a standard that is the same as required for permanent dwellings.

An "unrestricted residential occupation" license is to be applied to an existing dwelling (either single, grouped or multiple) subject to adherence to an acceptable management plan submitted at the application for planning approval stage. In the case of grouped or multiple dwellings, the management plan must be ultimately approved and enforced by the appropriate body corporate.

An "unrestricted residential occupation" license is valid for a defined period of time (usually 12 months) to an existing dwelling subject to adherence to a management plan submitted at the permit application stage. In the case of grouped or multiple dwellings, the management plan must be ultimately approved and enforced by the appropriate body corporate, and the Council retains the right to revoke the license where appropriate.

Licenses are renewable prior to their expiry and shall be considered on individual merit in the in the light of experience.

The license is not granted in perpetuity over the land and does not travel with the licensee.

In essence, I think my main issue is the definition/use class, rather than the content of the policy. I would be happy to discuss this issue further if I've completely missed the point in this or if you would like clarification on any matter.

Kind regards

Vicki Suckling  
Manager Strategic Projects  
Level 9, 2 Mill Street, Perth WA 6000

Tel: 9262 1 784      Fax: 08 9262 1944      Mob: 0413 466 900

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- - - 4 - ☺

Michael Caiacob  
7 Rowan Place  
Mullaloo , WA.  
6027

City of Joondalup  
Boas Ave  
Joondalup  
WA , 6027

Dear Sir;

RE; Proposed Amendment No 36 To City Of Joondalup District Planning Scheme No 2 (dps2) - Short Stay Accommodation Draft Policy - Short Stay Accommodation.

I object to shortstay accommodation being located in the Residential Zone for the following reasons.

1. because the proposed use is not relevantly residential development, as it does not involve human habitation on a permanent basis. The proposed use is, therefore, not consistent with the objectives and purposes of the subject residential zone.
2. because of its likely adverse impacts in terms of social cohesion
3. because of its likely adverse impacts in terms of noise
4. because it would set an adverse planning precedent in the circumstances.
5. because the sense of community and security that comes from knowing your neighbours is an important factor for residents and that the transient nature of the proposed use has the potential to reduce both the actual and perceived level of safety of the area".
6. because entertaining areas are likely to be utilized more intensively than would be the case if the property were being resided in on a permanent basis, thus resulting in more noise and disturbance to neighbours."
7. because the absence of an on site, resident manager, is likely to give rise to adverse noise impacts such that approval of the application would be contrary to orderly and proper planning.
8. because it is difficult to conceive a reason as to why other landowners should not be granted approval to use their property for short stay accommodation" and that this "would potentially have an adverse cumulative impact on the amenity of the locality".
9. because adverse planning precedent is, therefore, a relevant consideration. The cumulative impact of developments such as the proposal in the low density residential area would be to undermine the purposes and objectives of the Residential zone.
10. There is no minimum stay period stated in the proposal.
11. No density requirements have been specified in the proposal as specifically requested by the Minister.

### ***Conclusion***

The Tribunal has determined that the proposed use of short stay accommodation of families of up to eight members for periods of seven to 60 days is not consistent with the objectives and purposes of the Residential zone. In particular, whereas the Residential zone is intended primarily for residential development, short stay accommodation use is not residential development, as it does not involve permanent

accommodation. People who would be accommodated at the site could not properly be described as residents, but rather would be visitors or temporary occupants of the site. In consequence, the proposed use is not permitted on the site and must be refused approval.

56 The Tribunal has also determined that, if the proposed use were capable of approval, the DA should properly be refused in the exercise of planning discretion. In particular, the proposed use would be contrary to orderly and proper planning and the preservation of the amenity of the locality because of likely adverse impacts in terms of social cohesion and noise. Furthermore, approval of the application would set an adverse planning precedent warranting refusal, because the cumulative impact of short term accommodation uses within the Residential zone would be to undermine the purposes and objectives of the zone.

The City Planning Officers dealing with this policy clearly do not respect the objectives of the Residential Zone nor the rulings of the WASAT.

To write these changes into the DPS-2 to make them law, contrary to;

- the determinations of the WASAT ,
- the professional evidence of City Planning Officers in WASAT
- the public objections to date over such issues
- and the Councils previous decisions on such issues based on City Officers advise.

is ludicrous , unprofessional and disrespectful to the existing permanent residents and ratepayers of the City of Joondalup, by undermining the purposes and objectives of the Residential zone. . It is a sneaky way of not dealing with the issues of existing Short Stay accommodation with in the City of Joondalup , even though the City and its Officers have been aware of this situation for numerous years.

Please note that my objection argument is taken from the City's professional planning argument and HOPE and CITY OF JOONDALUP [2007] WASAT 8.

This proposed policy is a great disappointment particularly as it has taken 43 months to date since the Ministers May 2004 request that the City give urgent attention to a Short Stay Accommodation Policy.

Yours sincerely

Michael Caiacob

City of Joondalup  
Boas Ave  
Joondalup  
WA, 6027

**ATTACHMENT**

- - - 4 - -

| City of Joondalup DOCUMENT REGISTRATION |                              |
|---|------------------------------|
| Reference #                             | : 81593                      |
| Letter #                                | : 750715                     |
| Action Officer                          | : PL01 CC: APES06            |
| Date Received                           | : 21/12/2007                 |
| Action Required                         | : NOTE                       |
| Note                                    | : ORIGINAL TO ACTION OFFICER |

Dear Sir,

RE: Proposed Amendment No 36 To City Of Joondalup District Planning Scheme No:2 (dps2) - Short Stay Accommodation Draft Policy - Short Stay Accommodation.

I object to shortstay accommodation being located in the Residential Zone for the following reasons.

1. because the proposed use is not relevantly residential development, as it does not involve human habitation on a permanent basis. The proposed use is, therefore, not consistent with the objectives and purposes of the subject residential zone.
2. because of its likely adverse impacts in terms of social cohesion
3. because of its likely adverse impacts in terms of noise
4. because it would set an adverse planning precedent in the circumstances.
5. because the sense of community and security that comes from knowing your neighbours is an important factor for residents and that the transient nature of the proposed use has the potential to reduce both the actual and perceived level of safety of the area".
6. because entertaining areas are likely to be utilized more intensively than would be the case if the property were being resided in on a permanent basis, thus resulting in more noise and disturbance to neighbours."
7. because the absence of an on site, resident manager, is likely to give rise to adverse noise impacts such that approval of the application would be contrary to orderly and proper planning.
8. because it is difficult to conceive a reason as to why other landowners should not be granted approval to use their property for short stay accommodation" and that this "would potentially have an adverse cumulative impact on the amenity of the locality".
9. because adverse planning precedent is, therefore, a relevant consideration. The cumulative impact of developments such as the proposal in the low density residential area would be to undermine the purposes and objectives of the Residential zone.
10. There is no minimum stay period stated in the proposal.
11. No density requirements have been specified in the proposal as specifically requested by the Minister.

**Conclusion**

The Tribunal has determined that the proposed use of short stay accommodation of families of up to eight members for periods of seven to 60 days is not consistent with the objectives and purposes of the Residential zone. In particular, whereas the Residential zone is intended primarily for residential development, short stay accommodation use is not residential development, as it does not involve permanent accommodation. People who would be accommodated at the site could not properly be described as residents, but rather would be visitors or temporary occupants of the site. In consequence, the proposed use is not permitted on the site and must be refused approval.

56 The Tribunal has also determined that, if the proposed use were CAPABLE OF APPROVAL, THE D. A. SHOULD PROPERLY BE REFUSED IN THE EXERCISE OF PLANNING

~~etc~~

cretion. In particular, the proposed use would be contrary to orderly and proper planning and the preservation of the amenity of the locality because of likely adverse impacts in terms of social cohesion and noise. Furthermore, approval of the application would set an adverse planning precedent warranting refusal, because the cumulative impact of short term accommodation uses within the Residential zone would be to undermine the purposes and objectives of the zone.

The City Planning Officers dealing with this policy clearly do not respect the objectives of the Residential Zone nor the rulings of the WASAT.

To write these changes into the DPS-2 to make them law, contrary to;

- the determinations of the WASAT ,
- the professional evidence of City Planning Officers in WASAT
- the public objections to date over such issues
- and the Councils previous decisions on such issues based on City Officers advise.

is ludicrous , unprofessional and disrespectful to the existing permanent residents and ratepayers of the City of Joondalup, by undermining the purposes and objectives of the Residential zone. . It is a sneaky way of not dealing with the issues of existing Short Stay accommodation with in the City of Joondalup , even though the City and its Officers have been aware of this situation for numerous years.

Please note that my objection argument is taken from the City's professional planning argument and HOPE and CITY OF JOONDALUP [2007] WASAT 8.

This proposed policy is a great disappointment particularly as it has taken 43 months to date since the Ministers May 2004 request that the City give urgent attention to a Short Stay Accommodation Policy.

Yours sincerely

T.R. THORP  
75 HIGH ST,  
SORRENTO. 6020  
20/12/07

• • - 4 = 3

Betty Drabble  
3 Killarney Close  
Connolly, 6027

To whom it may concern

I strongly object to Amendment 36 as it seeks to change the objective and the intent of the residential zone in a manner which will adversely affect the amenity of all those living in the City of Joondalup Residential Zones by;

1. Introducing tourists into permanent residential environments with no security of knowing who your neighbours are as well as security for children and families of knowing who lives next door, their vehicles and their habits. This change to the town planning scheme is in conflict with the intent and objective of the Region scheme, C.O.J Town Planning Scheme and the SAT decision on Short Stay in the residential zone.
2. Introducing tourist accommodation next to residents where expectations and lifestyle are not compatible with each other i.e. workers versus holiday makers.
3. Removing the safety and security which come with having a permanent residential neighbour and street and is a primary part of the high amenity of the Residential Zone and the intent of the residential zone.
4. Ignoring the fact tourists can already stay in residential areas that this short stay is already available in Bed and Breakfasts ensuring a resident is on the premises to protect the amenity of their neighbours.
5. Ignoring the fact all other short stay which includes single travellers and families are not permitted in the residential zone.
6. Allowing a dwelling to have no permanent occupant and a residential zone intended for permanent residents to house tourists completely at odds with the Region Scheme and the advertised and approved objective and intent of Joondalup's Planning Law.
7. Introducing short stay into residential areas as opposed to mixed use and commercial zones where residents expect a lower amenity and other uses as neighbours.
8. Ignoring the State Tourist strategy which expects Local Government to identify Tourist Zones to accommodate things such as tourist accommodation.
9. Ignoring the City's Tourist Policy/Strategy which identifies Hillarys as the area for limited short stay accommodation. The policy after full and extensive consultation did not identify the residential zone as a place for short stay accommodation but deliberations ensured short stay was not a consideration in the residential zone.
10. Forcing neighbours to be the eyes and control of these properties as the city can not police this sort of accommodation and the owners could live anywhere in the world.
11. Those that would stay here would fit the definition of tourist and tourists need to be planned for properly not in an adhoc manner. Short stay needs to be considered in context with the city's own tourist policy which addresses short stay requirements and State Strategy which stated Local Government needs to identify tourist zones to accommodate short stay.

I strongly object to temporary accommodation being removed from residential building as this will disadvantage the already disadvantaged.

The intent and object of Residential building is to house those who could not normally live within the community on a permanent basis due to the definition of dwelling and to allow respite for families by offering temporary residence for those in our community who need it.

# ATTACHMENT

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I strongly object to the definition of short stay not stating a dwelling intended for short stay to ensure density is applied and it can only occur in dwellings. The R-Codes has a good example of this for serviced apartments.

Yours Sincerely,

Betty Drabble

- - - 4 - -

**From:** wilko [wilkinson@eftel.com]  
**Sent:** Thursday, 17 January 2008 5:35 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** short term accommodation comment.  
To see this message in it's native format (RECOMMENDED),  
double click on the envelope!

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of  
Scheme - Amendment 036  
Other RMS Refs: 72584 12950  
Letter Number: 801848  
Action: NOTE  
Action Officer: PL01  
CC: APB01 APES06 APP01 MAPES PL07  
Indexed on: 21/1/2008  
-----Following text is for indexing purposes only-----

Dear Sir/Madam.

I would like to comment on proposals for short stay accommodation.  
My wife and I have had the experience of living next door to a house used as short stay holiday  
accommodation.  
THIS MADE OUR LIFE HELL FOR THREE YEARS.  
When a house in a residential area is used for short stay holiday accommodation the people (often more  
than one family) who stay are there to have a good time;  
they are not living a normal life i.e. school for the children and work for the adults.  
The people often spend a large proportion of the day on the premises this does create a lot of noise. This  
includes children of all ages screaming in the pool for a good proportion of the day, and in the evening  
and night time party's and BBQ's often with loud music.  
The neighbours cannot enjoy peace and quiet in there own gardens, and often even with the doors shut  
find the noise inside there own homes disturbing; also finding it disruptive to a good nights sleep when  
they have to get up early for a normal day at work.  
There are often problems with parking when family and friend who live in Perth come to visit and party  
with the holiday makers.  
There is a general lack of consideration for the residents and ratepayers of the area and lack of any  
supervision or control as one has in a guest house for example.  
My wife and I are totally opposed to any short stay accommodation in residential area's and hope the  
council can put a stop to this practice.  
Yours faithfully Peter Wilkinson. Valerie Wilkinson.

17 Naval Parade  
OCEAN REEF  
6027.

---

**From:** toni sideris [ticketstoni@hotmail.com]  
**Sent:** Monday, 21 January 2008 10:19 PM  
**To:** info@joondalup.wa.gov.au  
**Cc:** ticketstoni@hotmail.com  
**Subject:** Submission

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of  
Scheme - Amendment 036  
Other RMS Refs: 72584 12950  
Letter Number: 802076  
Action: NOTE  
Action Officer: PL01  
CC: APB01 APES06 MAPES PL07  
Indexed on: 22/1/2008

Chief Executive Officer City of Joondalup

I strongly oppose amendment Number 36 Short Stay Accommodation as it seeks to change the objective and the intent of the residential zone in a manner which will adversely affect my amenity as well as all those living in the City of Joondalup Residential Zones.

Mrs T Sideris 12 Page Drive Mullaloo



**From:** mtsid@bigpond.net.au  
**Sent:** Monday, 21 January 2008 8:40 PM  
**To:** info@joondalup.wa.gov.au  
**Cc:** mtsid  
**Subject:** submission Amendment Short Stay

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036  
Other RMS Refs: 72584  
Letter Number: 802070  
Action: NOTE  
Action Officer: PL01  
CC: APB01 APES06 APP01 MAPES PL07  
Indexed on: 22/1/2008

Chief Executive Officer  
City of Joondalup

I strongly oppose amendment Number 36 Short Stay Accommodation as it seeks to change the objective and the intent of the residential zone in a manner which will adversely affect my amenity as well as all those living in the City of Joondalup Residential Zones.

The following additional comments are submitted.

1. The proposed amendment exercise is one which provides to the Planning Department of the CoJ the authority to retrospectively legitimise the some 60 plus currently illegally operating "short stay" commercial operations, and thereby overcome the CoJ's administrations unwillingness to prosecute theses unauthorised commercial activity, and I strongly object.
2. The proposed amendment exercise is one which provides to the Planning Department of the CoJ the authority to retrospectively legitimise the currently illegally operating "short stay" commercial operation of the Mullaloo Beach Hotel – an operations contrary to the original decision of Council, and thereby overcome the CoJ's administrations inability and unwillingness to prosecute this unauthorised commercial activity, and I strongly object.
3. The proposed amendment will be introducing "tourists" into permanent residential dormitory environment. This proposal is in conflict with the intent and objective of the Region scheme, CoJ Town Planning Scheme and the SAT decision on Short Stay in the residential zone, and I strongly object.
4. The proposed amendment will be Introducing tourist accommodation next to residents where expectations and lifestyle are not compatible with each other residential dormitory versus Holiday Makers, and I strongly object.

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5. The proposed amendment will be Removing the safety and security which come with having a permanent residential neighborhood and is a primary part of the high amenity of the Residential Zone and the intent of the residential zone, and I strongly object.
6. The proposed amendment will be Ignoring the fact tourists can already stay in residential areas that is already available in Bed and Breakfasts operations, and I strongly object.
7. The proposed amendment will be Ignoring the fact all other short stay which includes single travelers and families are not permitted in the residential zone, and I strongly object.
8. The proposed amendment will be Allowing a dwelling to have no permanent occupant and a residential zone intended for permanent residents to house tourists is completely at odds with the Region Scheme and the advertised and approved objective and intent of Joondalup's Planning Law, and I strongly object.
9. The proposed amendment will be Introducing short stay into residential areas as opposed to mixed use and commercial zones where residents expect a lower amenity and other uses as neighbours, and I strongly object.
10. The proposed amendment will be Ignoring the State Tourist strategy which expects Local Government to identify Tourist Zones to accommodate things such as tourist accommodation, and I strongly object.
11. The proposed amendment will be Ignoring the City's Tourist Policy/Strategy which identifies Hillary's as the area for limited short stay accommodation. The policy after full and extensive consultation did not identify the residential zone as a place for short stay accommodation but deliberations ensured short stay was not a consideration in the residential zone, and I strongly object.
12. The proposed amendment will be Forcing neighbors to be the eyes and control of these properties as the city can not police this sort of accommodation and the owners could live anywhere in the world, and I strongly object.
13. The proposed amendment will be There is no minimum stay and these properties could be used for prostitution, and I strongly object.
14. The proposed amendment will allow for ad hoc planning rather than proper and orderly planning for Tourism. Short stay needs to be considered in context with the city's own tourist policy which addresses short stay requirements and State Strategy which stated Local Government needs to identify tourist zones to accommodate short stay, and I strongly object.
15. The proposed amendment will be removing temporary accommodation from 'residential building' as this will disadvantage the already disadvantaged, and I strongly object.

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16. The intent and object of Residential building is to house those who could not normally live within the community on a permanent basis due to the definition of dwelling and to allow respite for families by offering temporary residence for those in our community who need it, and I strongly object.

I strongly object

M Sideris 12 Page Drive Mullaloo

Note I further claim copyright on this submission and that I refuse anyone's right to selectively publish in an edited or altered form, that fails to clearly express the detail and intention of what is actually written.

- - - 4 - -

**From:** Heather Chester [hrchester@yahoo.com]  
**Sent:** Monday, 21 January 2008 12:49 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** Submission re Amendment No.36 (DPS2) - Short Stay Accommodation

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036  
Other RMS Refs: 72584 12950  
Letter Number: 801978  
Action: NOTE  
Action Officer: PL01  
CC: APB01 APES06 APP01 MAPES PL07  
Indexed on: 21/1/2008

Dear Sir/Madam,

We, the Kingsley & Greenwood Residents' Association (KAGRA), strongly object to Amendment 36 of the District Planning Scheme 2 as it seeks to change the objective and the intent of the residential zone in a manner which will adversely affect the amenity of all those living in the City of Joondalup Residential Zones by;

1. introducing tourists into permanent residential environments with no security of knowing who your neighbours are and the security of familiarity for children and families of who is next door, their vehicles and habits. This change to the town planning scheme is in conflict with the intent and objective of the Region scheme, City of Joondalup Town Planning Scheme and the State Appeals Tribunal decision on Short Stay in the residential zone.
2. Introducing tourist accommodation next to residents where expectations and lifestyle are not compatible with each other. (i.e. workers versus holiday makers.)
3. Removing the safety and security which come with having a permanent residential neighbor and street and is a primary part of the high amenity of the Residential Zone and the intent of the residential zone.
4. Ignoring the fact tourists can already stay in residential areas, that this short stay is already available in Bed and Breakfasts ensuring a resident is on the premises to protect the amenity of their neighbours.
5. Ignoring the fact all other short stay which includes single travelers and families are not permitted in the residential zone.
6. Allowing a dwelling to have no permanent occupant and a residential zone intended for permanent residents to house tourists is completely at odds with the Region Scheme and the advertised and approved objective and intent of Joondalup's Planning Law.
7. Introducing short stay into residential areas as opposed to mixed use and commercial zones where residents expect a lower amenity and other uses as neighbours.

# ATTACHMENT

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8. Ignoring the State Tourist strategy which expects Local Government to identify Tourist Zones to accommodate things such as tourist accommodation.
9. Ignoring the City's Tourist Policy/Strategy which identifies Hillarys as the area for limited short stay accommodation. The policy, after full and extensive consultation, did not identify the residential zone as a place for short stay accommodation but deliberations ensured short stay was not a consideration in the residential zone.
10. Forcing neighbors to be the eyes and control of these properties as the City cannot police this sort of accommodation and the owners could live anywhere in the world.
11. There is no minimum stay and these properties could be used for prostitution.
12. Those who would stay here would fit the definition of "tourist" and tourists need to be planned for properly--not in an adhoc manner. Short stay needs to be considered in context with the City's own tourist policy which addresses short stay requirements and State Strategy which stated Local Government needs to identify tourist zones to accommodate short stay.

We strongly object to the definition of "short stay" not stating a "dwelling intended for short stay" to ensure density is applied and it can only occur in dwellings. The RCodes has a good example of this for serviced apartments.

We respectfully ask that this Amendment not be proceeded with.

Yours faithfully,

Edmund Burton,  
President, KAGRA

## ATTACHMENT

- - - 4 - -

26

Chief Executive Officer,  
City of Joondalup,  
P.O. Box 21,  
JOONDALUP, W.A. 6019

City of Joondalup DOCUMENT REGISTRATION  
Reference # : 81593 72584 12950  
Letter # : 802125  
Action Officer : PL01 CC-APB01 APES06 MAPES PL07  
Date Received : 22/1/2008  
Action Required: NOTE

22<sup>nd</sup> January, 2008

SUBMISSION AGAINST AMENDMENT No. 36 to DPS2 – Short Stay Accommodation

I OBJECT to proposed "Amendment No. 36 to the CoJ DPS2 – Short Stay Accommodation" on the grounds that it will introduce short stay accommodation into the residential zone.

This amendment has the potential to affect my residential amenity e.g. small prostitution operators & unofficial prostitution, and lack of security.

The **residential zone** currently does **not permit short stay accommodation** within it, as confirmed by SAT.

This amendment will mean that any objection by residents to short stay accommodation adjacent to their properties will have little standing in that the amendment states that ***short stay accommodation can be permitted in the residential zone with discretion.***

This proposal is in conflict with the Tourism Plan 2005 -2009.

I am AGAINST proposed Amendment No 36 to DPS2 –Short Stay Accommodation.

*M. G. Zakrevsky*

Marilyn Zakrevsky  
49 Korella Street,  
Mullaloo, W.A. 6027

22/01/2008

**ATTACHMENT** Chief Executive Officer,  
City of Joondalup,  
Boas Ave,  
Joondalup, W.A. 6019

- - - 4 - - -

27

22<sup>nd</sup> January 2008

**SUBMISSION AGAINST PROPOSED AMENDMENT No 36 – DPS2  
SHORT STAY ACCOMMODATION**

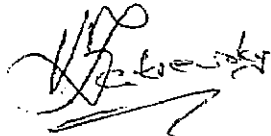
I am against the proposed Amendment No 36 – DPS2 – Short Stay Accommodation.

**The proposed amendment erodes the safe guards of residential zoning legislation.**

- It sets an adverse planning precedent.
- There would be an absence of an on site resident manager responsible for behaviour.
- There is no minimum stay period stated.
- It is not consistent with the Tribunal determination that short stay accommodation conflicts with the purposes of residential zoning.
- This is contrary to the objectives of residential zoning and rulings of the W.A. SAT.

There has been **NO CONSULTATION** before the drafting of the proposed Short Stay Policy. There should be open, non-selective participation for ratepayers/electors at public forums.

The ratepayer/electors have been given approx 43 days of the festive holiday season to comment on the proposal but the CoJ has taken 43 months to bring this proposed policy to Council.



V.K. (Ken) Zakrevsky  
49 Korella Street,  
Mullaloo, W.A. 6027

City of Joondalup DOCUMENT REGISTRATION  
Reference # : 81593 72584 12950  
Letter # : 802231  
Action Officer : PL01 CC: APB01 APES06 MAPES PL07  
Date Received : 23/1/2008  
Action Required: NOTE

- - - 4 - -

**From:** Brenda & Bob [bsteene@bigpond.net.au]  
**Sent:** Tuesday, 22 January 2008 12:59 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** Submission

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036  
Other RMS Refs:  
Letter Number: 802180  
Action: NOTE  
Action Officer: PL01  
CC: APES06  
Indexed on: 22/1/2008

Chief Executive Officer  
City of Joondalup

I strongly object to the advertised amendment 36 to the planning scheme.  
I strongly object to change in the objective and the intent of the residential zone in a manner which will adversely affect my amenity and living style in the City of Joondalup.

I strongly object to temporary accommodation being removed from residential building as this will disadvantage the already disadvantaged

B Steene  
59 Durack Way Padbury

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## SUBMISSION ON AMENDMENT 36 AND SHORT STAY POLICY

From: Marie Macdonald  
5 Mair Place  
MULLALOO

| City of Joondalup DOCUMENT REGISTRATION |                             |
|---|-----------------------------|
| Reference #                             | : 81593                     |
| Letter #                                | : 802206                    |
| Action Officer                          | : PLO1 CC: APES06           |
| Date Received                           | : 23/01/2008                |
| Action Required                         | : NOTE                      |
| Note                                    | : ORIG ON FILE TO A/OFFICER |

I object to this amendment for the following reasons:

1. **Clause 3.4 is amended by inserting the following after (c):**  
"provide the opportunity for appropriately located and managed short stay accommodation."
2. **Table 1 is amended by inserting the use class "short stay accommodation" and designating that use as "A" in the Residential Zone, "D" in the Mixed Use, Business, Commercial and Private Clubs and Recreation zones, and "X" in all of the other Zones.**

Part 1 & 2 of the Amendment above allows a use class in the Residential Zone which conflicts with the objectives of the Zone. (The State Administrative Tribunal made this statement in dealing with an Appeal where the City of Joondalup had refused an application for short stay in what was previously a dwelling in a residential Zone). There is no reason to introduce this use class to this Zone.

It affects the residential amenity of residents especially at the lower end of the Residential Design Code's category where a high level of amenity is assured. The attached policy states the potential effects as

***excessive noise and/or anti-social behaviour • potential increased demand for car parking • sense of loss of security • poor property appearance and maintenance.***

Residents will have no argument at a SAT hearing that the short stay accommodation should not be allowed because the Scheme Text will allow it to exist with discretion and the SAT will apply that discretion. This amendment takes away residents' protection, against those listed adverse amenity issues, as it currently exists in the Scheme.

It creates uncertainty in the community in that there is no definition of "appropriately located". There are no constraints on the occurrence of short stay accommodation in any area of the City of Joondalup. It will depend who makes the decision at any one time. The only development standard for converting dwellings to short stay accommodation is the necessity to have two parking bays. At lower residential densities two parking bays are normal. The parking constraint is biased to areas where high residential amenity is expected.

The Amendment has the potential to create disharmony in a community creating holiday accommodation mixed with residential. The State Government's *Tourism Planning Taskforce* acknowledged the differing requirements of tourist versus residential users of a Tourism sites and that this was detrimental to the primary use of the Tourist Zone. Therefore the converse is relevant in that differing requirements of the tourist will be detrimental the aspirations of residents in a Residential Zone. A large influx of tourist accommodation in a residential zone will destroy the sense of place and community. It can be used by a Local Authority to convert residential areas into tourist destination to the detriment of the residents and without proper consultation.

P105

This Amendment is important enough to warrant community consultation and should be considered in the context of the Tourism Plan.

The Tourism Taskforce recommended the Local Authorities identify Tourist Zones for the provision of accommodation in a Local Strategy. The City did this and produced the Tourism development Plan 2005-2009. The introduction of short stay accommodation is in conflict with this plan which states"

*"development of limited short-stay accommodation at Hillarys and Ocean Reef harbours"*

*"Joondalup does not have a significant pool of short-stay beds to drive tourism. Most noticeable in Joondalup is the absence of short-stay accommodation in the form of a hotel/motel or apartment complexes in the City Centre."*

*"While opportunities exist and demand is strong, the TDP recommends environmentally sensitive accommodation developments restricted to Hillarys, Ocean Reef and the City Centre."*

There is no planning justification for placing short stay accommodation in a Residential Zone and it is in conflict with the Tourism Plan.

The Town of Cottesloe does not allow short stay accommodation in its residential Zones. It identifies the Zones in which they can occur. Also neither the City of Stirling nor Shire of Busselton list short stay accommodation in their residential zone.

The Mullaloo Progress Association requested that the City should bring short stay accommodation into its Scheme Text because of the misuse of the use class Residential Building for short stay accommodation in a **Commercial Zone**. The Minister of Planning and Infrastructure recognised the need for this as a matter of urgency. The Association did not contemplate that the City would suggest that short stay accommodation be placed in the Residential Zone.

I object to Part 1 of the amendment as short stay accommodation should be not be introduced into the Residential Zone. Zones where it can occur should be identified tourist zones. *"Appropriately located"* creates uncertainty in the community and is reliant on opinion.

I object to part 2 of the Amendment because short stay accommodation should be "X" not permitted in a Residential zone, and should be discretionary "D" in zones in identified Tourist Zones.

**3. Table 2 is amended by inserting the use class "short stay accommodation" and inserting "2 bays per unit" in the column headed "Number Of Onsite Parking Bays".**

I object to Part 3 of the Amendment as this definition is restrictive in identified tourist zones, the only zones where short stay accommodation should exist.

P2e5

**4. Schedule 1 is amended as follows:**

**(a) the definition of "dwelling" is amended by inserting the following words after the semi colon:**

**"for the purpose of the definition of "dwelling" habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;"**

**(b) a new definition is inserted as follows:**

**"short stay accommodation" means the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of "short stay accommodation", temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;"**

**(c) deleting the definition of "residential building" and substituting the following new definition:**

**"residential building" means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school;"**

**Part 4(a)**

There is no need to change the definition of dwelling. The definition of dwelling is the one commonly understood in planning terminology. It is the definition in the R codes. Any tampering with it will lead to confusion.

There are many people who may not occupy a dwelling for a continuous period of three months but it may be their permanent place of abode, eg miners, geologists, salespersons and people who own more than one residence or take a holiday every two months. Length of continuous occupation does not determine permanency.

**Part 4(b)**

The City of Stirling and Cottesloe have not defined a maximum time period of stay. As in 4(a) temporary is a question of fact. Length of stay does not determine this. The definition above will not prevent a person permanently occupying short stay accommodation and leaving the premises for one day in a three month period.

**Part 4(c)**

The report that accompanied the Amendment stated that the City would "Reword the definition of a 'Residential Building' to clarify that the use relates to permanent accommodation for 7 or more persons." This was not the intent of the recommendation which arose out the findings of the Residential Planning Review Taskforce in 1988. There is no need to change the definition of Residential Building by removing the temporary accommodation component. The definition currently found in the R Codes is the one suggested by this Taskforce. This definition is the one commonly understood in planning terminology. Any tampering with it will lead to confusion.

P3 of 5

**From the Policy*****Location criteria within Residential zones***

*The Council will consider relative merits and compatibility of the proposal with the surrounding areas. Criteria that will be considered include (but are not limited to) whether the use will-*

- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users,*
- not result in the generation of traffic beyond that of adjoining residential properties,*
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion,*
- be located within close proximity of supporting and complementary land uses and opportunities (like shops, transport networks, entertainment facilities etc)*

Nothing above clearly indicates where and how many short stay can be in any area.

There is no certainty for residents as the policy can be disregarded on interpretation

The policy lists the potential impacts as, *excessive noise and/or anti-social behaviour*  
*• potential increased demand for car parking • sense of loss of security • poor property appearance and maintenance.*

Given the above for the policy clearly indicates that short stay accommodation has no place in the Residential Zone.

**Prostitution and Short Stay Accommodation**

Given the State Governments proposal to legalise prostitution and its intention not to register small operators, this amendment has the ability to assist operators by providing a pool of locations from which business can be conducted. There is no minimum stay in the Amendment.

Marie Macdonald



## ATTACHMENT

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City of Joondalup DOCUMENT REGISTRATION  
Reference # : 81593  
Letter # : 802254  
Action Officer : PL01 CC: APES06  
Date Received : 23/01/2008  
Action Required: NOTE  
Note : ORIG ON FILE TO A/OFFICER

Submission on Amendment 36 Short Stay Accommodation

To the CEO of the City of Joondalup.

From Janet McBride, 3 Baffin Lane, Iluka

I strongly object to Amendment 36 as it seeks to change the objective and the intent of the Residential Zone in which I live and can affect my amenity as it currently exists.

The policy attached to the Amendment identifies the problems that I am likely to encounter. Therefore why is it being suggested?

If a short stay apartment is next to my home I will not have the security of knowing who my neighbours are. People who own short stay accommodation are conducting a business and this accommodation should be placed in business areas.

I live in an R20 coded area and expect a high level of amenity which this short stay amendment has the potential to destroy.

*I thank you for your attention*

Janet McBride

*J. McBride*

# ATTACHMENT

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34

**From:** Wendy Herbert [jherbert@iinet.net.au]  
**Sent:** Wednesday, 23 January 2008 3:47 PM  
**To:** info@joondalup.wa.gov.au  
**Cc:** Marie Mac Donald; Mayor Pickard, Troy; Michael.J.Norman

----- added by Records Services of City of Joondalup -----

RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036

Other RMS Refs: 72584 12950

Letter Number: 802397

Action: NOTE

Action Officer: PL01

CC: APES06

Indexed on: 23/1/2008

## COMMENT ON AMENDMENT 36.

I strongly object to amendment 36 as it is of benefit to the tourist industry and detrimental to the peace and safety of residents. Furthermore the enforcement of health and other regulations are financially and socially unsustainable to the residents of the COJ.

Health and social regulation of short term stay properties by residents and COJ is unsustainable because of changes in State legislation and proposed introduction of a Human Rights Charter in regards to the legalisation of brothel ownership, legalising and unionising of the sex industry according to the harm reduction/human rights model of prostitution. This model has not worked in New Zealand and else where in Australia and places an impossible burden, in our opinion, on Council and residents to reduce the harm to workers and their children in the industry for the following reasons:

1. Brothels are already opening up in Perth and causing concern to residents who on approaching the police or Attorney Generals office are told nothing will be done as brothels will soon be legal.

2. The sex workers union employs lawyers and visa experts to bring women and children into country to assert their human right to work for sex. There is nothing stopping a sex workers union under the harm reduction/ human rights model of prostitution to buy property and use it for short term stay accommodation with the council being responsible for ensuring children and not exploited and health regulations are adhered to. Westerners are being targeted in by anti-slave trafficking groups in Asia and want the anonymity of having a legal sex industry in WA.  
(The Weekend West 19/1/08)

3. A brothel owner applies for license from the Office of Liquor and Gaming and with the appropriate business and health plan can override Council through SAT.

However in other states where brothels are legal there is a large increase of illegal brothels and the sale of children as a result of a free market. (The West, New Laws May Surge in illegal brothels) The response from MrGinty to this report where other councils found it impossible to monitor children in brothels is that councils will regulate the brothels.

4. One council has already been taken to court over short term stay accommodation. Sole operator sex workers are already moving from one short term stay to another in the South West.

5. To stop illegal sex work requires enormous resources and international collaboration. see the Trafficking in Persons Report on the internet (TIP). Last year 800,000 women and children are trafficked across borders. Millions are trafficked from house to house with in a countries border. Council will never be able to monitor this issue. Should there ever to a case the Human Rights Charter will be used to defend the rights of brothel owners at great legal expense to the council

In conclusion the current changes coming about in the sex-industry could expose short term stay accommodation to exploitation. We are strongly opposed to Amendment 36.

Jeff and Wendy Herbert

# ATTACHMENT

- - - 4 - -

36

**From:** Mnique Moon [mnique61@yahoo.com.au]  
**Sent:** Wednesday, 23 January 2008 4:18 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** Amendment 36 submission

----- added by Records Services of City of Joondalup -----  
RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review  
of Scheme - Amendment 036  
Other RMS Refs: 72584 12950  
Letter Number: 802403  
Action: NOTE  
Action Officer: PL01  
CC: APES06  
Indexed on: 23/1/2008

Please find attached my submission objecting to Amendment 36 and the policy on short stay.

Mnique Moon  
6 Carew Place  
Greenwood  
6024

08)94482109



- - - 4 - -

I strongly object to amendment 36 as it does not meet the objectives and intent of the residential zone and will adversely affect the amenity of residents.

The policy addresses numbers of short stay not exceeding permanent in grouped and multiple dwellings but offers no protection to residents of single house areas or how many single homes in a street or area can become short stay. Just one can adversely affect the amenity and character of a street or area imagine the impact of both neighbours and those behind all becoming tourists. This is a severe oversight.

The report states the amendment to include short stay will ensure short stay is developed as single, multiple or grouped but this is not reflected in the amendment which only states single, grouped and multiple can be used for short stay there is not mention on development standards if building short stay. This is a severe oversight. The amendment should state short stay is a dwelling .....

The report and the amendment both do not address the number of people who can occupy these accommodations this is another severe oversight . The report discusses 2 cars per dwelling but the amendment only addresses 2 cars per apartment by way of the use class table which does not apply to grouped dwellings or single houses, another severe oversight. My home (dwelling) could accommodate at least 6 car bays. Both dwelling and residential building address numbers of people this must be a requirement for short stay.

The report mentions the SAT decision upholding the City's decision to disallow short stay in the residential zone but did not include the link and the entire decision of SAT for Councilors information.

<http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf>

*HOPE and CITY OF JOONDALUP [2007] WASAT 8*

|                      |   |                       |                         |
|----------------------|---|-----------------------|-------------------------|
| <i>Jurisdiction:</i> | <i>STATE ADMINISTRATIVE TRIBUNAL</i>          | <i>Citation No:</i>   | <i>[2007] WASAT 8</i>   |
| <i>Act:</i>          | <i>PLANNING AND DEVELOPMENT ACT 2005 (WA)</i> | <i>Heard:</i>         | <i>21 DECEMBER 2006</i> |
| <i>Case No:</i>      | <i>DR:307/2006</i>                            | <i>Delivered:</i>     | <i>01/15/2007</i>       |
| <i>Coram:</i>        | <i>MR D R PARRY (SENIOR MEMBER)</i>           | <i>Judgment Part:</i> | <i>1 of 1</i>           |
| <i>No of Pages:</i>  | <i>20</i>                                     |                       |                         |

*Result:*            *Application for review dismissed*  
                          *Decision of respondent to refuse development approval affirmed*

*Category:*        *A*

The SAT decision made it very clear that the intent of the objective of the residential zone was to house residents for permanent accommodation and went through what residential meant and what resident was etc. It made it very clear that short stay was not permitted yet instead of upholding the decision of SAT by making short stay a X use the City is attempting to alter the intent and objective of the entire residential zone the amenity it offers for residences and the safety and security that permanent

neighbours bring, the lifestyle and amenities offered to support permanent residents such as schools based on numbers will also be compromised.

The report mentions the fact that short stay will be for tourists and meet strategic objectives but does not mention the City's Tourist policy for Councilors information or the fact that this policy addresses short stay in the City. As a participant in the consultation process I can tell you as the organizers within the City would know short stay was rejected in residential areas and areas such as Hillary's boat hire were identified for limited short stay accommodation. This policy went through to separate consultations one with stake holders and one with the community and in combining the outcomes the policy was developed and approved.

The report also does not mention for the Councilors information the States interim policy that all Local Governments identify Tourist Zones for things such as short stay accommodation after an extensive study into Tourism . <http://www.wapc.wa.gov.au/WAPC+statements/1418.aspx>

<http://www.dpi.wa.gov.au/planning>

Tourism accommodation has been proved to be incompatible within permanent residential areas and those wishing to reside in residential areas on a short stay basis or run short stay accommodation in a residential area can already do so through bed and breakfast which is discretionary within the residential zone and offers some security to residents and protection of amenity as there is a permanent resident on site.

The change to the definition of residential building is appalling as the intent and objective of residential building is to house the disadvantaged in our community who could not currently be housed in communal situations as 7 or more unrelated could not occupy a dwelling and to offer respite to families/carers in offering a temporary place of residence (respite we all know that does not mean holiday/short stay).

To ensure residential building is not used for short stay but uphold the intent of residential building to offer temporary residence for those disadvantaged in our community the definition for residential building must remain as found in the residential design codes all that needs to be added to the current definition along with not a prison or hospital etc. is NOT FOR SHORT STAY.

The need for housing other than for traditional housing is on the rise as are places for respite care and to remove respite care from residential building to ensure it is not used for short stay and negate the Ministers request to apply density to residential building is not good or proper and orderly planning.

Residential building requires a density to be applied (as per the ministers request) and an amendment - simple addition of not for short stay to ensure respite care is still an option and can be accommodated in the City of Joondalup.

As this accommodation is not intended for permanent residents the building will not meet the requirements of the BCA when the use class short stay is applied the definition of short stay must

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include the requirement that dwellings being used as short stay must meet the BCA for such accommodations to ensure the safety of tourists and adjoining properties.

The report mentions the strategic plan for the City which includes tourism and attempts to justify the adhoc placement of tourism accommodation within residential areas where conflict and offsite management and distance from tourism attractions can create adverse feed back on a visit to the City of Joondalup on the simple fact tourism is mentioned in the strategy.

I strongly object to temporary accommodation being removed from residential building as this will disadvantage the already disadvantaged.

The intent and object of Residential building is to house those who could not normally live within the community on a permanent basis due to the definition of dwelling and to allow respite for families by offering temporary residence for those in our community who need it.

I strongly object to the definition of short stay not stating a dwelling intended, designed or developed for short stay to ensure density is applied and it can only occur in dwellings. The RCodes has a good example of this for serviced apartments. At this point there is no rules for those building short stay just for those using dwellings.

I object to short stay being an 'A' use within the residential zone and request that this amendment is rejected and the intent and objective of the residential zone is upheld with no addition allowing short stay and that short stay be include as an X (not permitted) use in the use class table.

I object to the amendment and policy including short stay in the residential zone, changing the definition of residential building to remove respite housing in the C.O.J, not including the need for short stay accommodation to meet the requirements of the BCA and having no requirement to exclude prostitution as a short stay use.

As stated in the report residential building has no development requirements and this amendment does not address that and at a minimum such accommodation should not be permitted below R35 or have a density code applied to ensure height bulk and basic amenity standards are met not the removal of respite care. Residential building simply needs an addition which states not for short stay.

Mnique Moon

6 Carew Place

Greenwood

08)94482109.

- - - 4 - =

1. introducing tourists into permanent residential environments with no security of knowing who your neighbours are and the security of familiarity for children and families of who is next door their vehicles and habits. This change to the town planning scheme is in conflict with the intent and objective of the Region scheme, C.O.J Town Planning Scheme and the SAT decision on Short Stay in the residential zone.
2. Introducing tourist accommodation next to residents where expectations and lifestyle are not compatible with each other. Workers versus Holiday Makers.
3. Removing the safety and security which come with having a permanent residential neighbor and street and is a primary part of the high amenity of the Residential Zone and the intent of the residential zone.
4. Ignoring the fact tourists can already stay in residential areas that this short stay is already available in Bed and Breakfasts ensuring a resident is on the premises to protect the amenity of their neighbours.
5. Ignoring the fact all other short stay which includes single travelers and families are not permitted in the residential zone.
6. Allowing a dwelling to have no permanent occupant and a residential zone intended for permanent residents to house tourists completely at odds with the Region Scheme and the advertised and approved objective and intent of Joondalup's Planning Law.
7. Introducing short stay into residential areas as opposed to only mixed use and commercial zones where residents expect a lower amenity and other uses as neighbours.
8. Ignoring the State Tourist strategy which expects Local Government to identify Tourist Zones to accommodate things such as tourist accommodation.
9. Ignoring the City's Tourist Policy/Strategy which identifies Hillaries as the area for limited short stay accommodation. The policy after full and extensive consultation did not identify the residential zone as a

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place for short stay accommodation but deliberations ensured short stay was not a consideration in the residential zone.

10. Forcing neighbors to be the eyes and control of these properties as the city can not police this sort of accommodation and the owners could live anywhere in the world.

11. There is no minimum stay and these properties could be used for prostitution.

12. Those who would stay here would fit the definition of tourist and tourists need to be planned for properly not in an adhoc manner. Short stay needs to be considered in context with the city's own tourist policy which addresses short stay requirements and State Strategy which stated Local Government needs to identify tourist zones to accommodate short stay.

13. There is no limit to the number of persons who can occupy this accommodation.

I strongly object to temporary accommodation being removed from residential building as this will disadvantage the already disadvantaged.

The intent and object of Residential building is to house those who could not normally live within the community on a permanent basis due to the definition of dwelling and to allow respite for families by offering temporary residence for those in our community who need it.

I strongly object to the definition of short stay not stating a dwelling intended for short stay to ensure density is applied and it can only occur in dwellings. The RCodes has a good example of this for serviced apartments. At this point there is no rules for those building short stay just for those using dwellings.

I object to short stay being an A use within the residential zone and request that this amendment is rejected and the intent and objective of the residential zone is upheld with no addition allowing short stay and short stay being an X (not permitted) use in the use class table.

As stated in the report residential building has no development requirements and this amendment does not address that and at a minimum such accommodation should not be permitted below R35.

# ATTACHMENT

- - - 4 - ☺

42

**From:** Paddy Berney [patrickberney@bigpond.com]  
**Sent:** Wednesday, 23 January 2008 7:56 PM  
**To:** info@joondalup.wa.gov.au  
**Subject:** Comment on Short Term Accommodation

----- added by Records Services of City of Joondalup -----

RMS File Reference: 81593 | Development - Town Planning - Scheme No 2 - Including Review of Scheme - Amendment 036

Other RMS Refs: 72584 12950

Letter Number: 802495

Action: NOTE

Action Officer: PL01

CC: APES06

Indexed on: 24/1/2008

City of Joondalup  
Boas Ave  
Joondalup

Dear Sir,

RE; Proposed Amendmment No 36 To City of Joondalup District Planning SchemeNo 2 [dps2] - Short Stay Draft Policy-Short Stay Accommodation.

We object to short stay accommadation;

Reasons;

1. Holiday makers are more inclined to have parties that go on for many days and it would be very noisy for the local residents
2. The type of houses that would be built would be of a different type to residential homes.
3. The proposed use is not consistent with the residential zoning of Joondalup
4. Rate payers money would be used to monotor noise and health
5. The shire officers will not be able to enforce any rules and regulations put forward and therefore more pressure will be put on the police force to do their job.

City Planning Officers must respect thr rulings of WASAT and the objectives of the Residential Zone

Your sincerely

Margaret and Patrick Berney

**Wording used in Submission Nos 8, 9, 14, 15, 20, 21, 26, 27, 28, 31**

I strongly object to Amendment 36 as it seeks to change the objective and the intent of the residential zone in a manner which will adversely affect the amenity of all those living in the City of Joondalup Residential Zones by;

1. Introducing tourists into permanent residential environments with no security of knowing who your neighbours are as well as security for children and families of knowing who lives next door, their vehicles and their habits. This change to the town planning scheme is in conflict with the intent and objective of the Region scheme, C.O.J Town Planning Scheme and the SAT decision on Short Stay in the residential zone.
2. Introducing tourist accommodation next to residents where expectations and lifestyle are not compatible with each other i.e. workers versus holiday makers.
3. Removing the safety and security which come with having a permanent residential neighbour and street and is a primary part of the high amenity of the Residential Zone and the intent of the residential zone.
4. Ignoring the fact tourists can already stay in residential areas that this short stay is already available in Bed and Breakfasts ensuring a resident is on the premises to protect the amenity of their neighbours.
5. Ignoring the fact all other short stay which includes single travellers and families are not permitted in the residential zone.
6. Allowing a dwelling to have no permanent occupant and a residential zone intended for permanent residents to house tourists completely at odds with the Region Scheme and the advertised and approved objective and intent of Joondalup's Planning Law.
7. Introducing short stay into residential areas as opposed to mixed use and commercial zones where residents expect a lower amenity and other uses as neighbours.
8. Ignoring the State Tourist strategy which expects Local Government to identify Tourist Zones to accommodate things such as tourist accommodation.
9. Ignoring the City's Tourist Policy/Strategy which identifies Hillarys as the area for limited short stay accommodation. The policy after full and extensive consultation did not identify the residential zone as a place for short stay accommodation but deliberations ensured short stay was not a consideration in the residential zone.
10. Forcing neighbours to be the eyes and control of these properties as the city can not police this sort of accommodation and the owners could live anywhere in the world.
11. Those that would stay here would fit the definition of tourist and tourists need to be planned for properly not in an adhoc manner. Short stay needs to be considered in context with the city's own tourist policy which addresses short stay requirements and State Strategy which stated Local Government needs to identify tourist zones to accommodate short stay.

I strongly object to temporary accommodation being removed from residential building as this will disadvantage the already disadvantaged.

The intent and object of Residential building is to house those who could not normally live within the community on a permanent basis due to the definition of dwelling and to allow respite for families by offering temporary residence for those in our community who need it.

I strongly object to the definition of short stay not stating a dwelling intended for short stay to ensure density is applied and it can only occur in dwellings. The R-Codes has a good example of this for serviced apartments.