PS ref: 7858

17 December 2021

TOWN OF COTTESLOE
21 DEC 2021
RECEIVED

Town of Cottesloe
PO Box 606
Cottesloe WA 6911

Dear Sir/Madam,

UNIT 12 (6) ERIC STREET, COTTESLOE
RETROSPECTIVE APPLICATION FOR DEVELOPMENT APPROVAL
SHORT-TERM ACCOMMODATION

Planning Solutions acts on behalf of Preston Capital Pty Ltd, the proprietor of the existing three-bedroom dwelling at unit 12 (**subject dwelling**), 6 Eric Street, Cottesloe (**subject site**). This application seeks approval for the occupation of the existing residential unit on a short-term basis, historically operated as an 'Air B n B' rental.

With regard to the above, please find enclosed:

1. Town of Cottesloe Application for Development Approval, signed by the applicant and landowner.
2. A copy of the completed Metropolitan Region Scheme (**MRS**) Form 1 signed by applicant and landowner.
3. A copy of the Certificate of Title and Strata Plan application to the subject site.
4. A letter of non-compliance from the Town of Cottesloe (**Town**) dated 10 November 2021.

We understand this application attracts a fee of $295 under the Schedule of Fees and Charges for Planning. We kindly request the Town issue an invoice for the prescribed application fee in the name of 'Preston Capital Pty Ltd.

The following submission discusses various matters pertaining to the proposal, including:

- Site details.
- Background.
- Proposal.
- Town planning considerations.

PLANNING SOLUTIONS
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SITE DETAILS

Legal description

The subject site is legally described as *"Lot 12 on Strata Plan 17341"*, contained within Certificate of Title Volume 1834 and Folio 927. The subject dwelling is one of fifteen strata lots contained on the subject site.

The subject site comprises a total land area of 1,282m^2. A copy of the Certificate of Title and Strata Plan is provided at **Attachment 1**.

Context

The subject site is located within the suburb of Cottesloe, approximately 10 kilometres south-west of the Perth city centre, and approximately 7 kilometres north of Fremantle. The subject site is located within the local government boundaries of the Town of Cottesloe (**Town**).

The subject site has direct frontage to Eric Street which provides access to the Stirling Highway (to the east) and Marine Parade (to the west), which provide connections to the wider metropolitan region. Eric Street is classified a Distributor B road in accordance with Main Roads WA Road Information Mapping services.

Vehicle access to the subject site is gained via a laneway abutting the eastern boundary of the site, which connects to Eric Street at its southern end. Pedestrian access to the site is from both Eric Street and the above-mentioned laneway. Eight street parking bays front the site.

The subject site is generally surrounded by multi-level residential buildings and ground level cafes, restaurants and bars. More broadly, the following is located in proximity to the subject site:

- North Cottesloe Beach approximately 100m to the west.
- Eric Street Medical Centre and Cottesloe IGA are both approximately 400m east of the subject site.
- Ocean Beach Hotel approximately 30m to the south, along the opposite side of Eric Street.

The subject site contains a 5-storey apartment building known as 'Century Cove. The building contains 15 individual dwellings and common property. Each dwelling is assigned a covered parking bay and storage area to the rear of the existing building, as depicted on the Strata Plan attached to this submission. An additional 10 car parking bays is provided for visitors.

The subject dwelling is located on the eastern end of level 3. Internally, the dwelling comprises:

- Three bedrooms;
- Two bathrooms;
- Study nook;
- Two balconies;
- Kitchen and dining; and
- Living room.

BACKGROUND

The subject dwelling has historically operated as an Airbnb apartment. Preston Capital Pty Ltd purchased the unit in January 2019 knowing the unit was already being utilised as an Airbnb residence, and has continued the Airbnb offering since acquiring the unit.

The dwelling has operated successfully in recent years as an Airbnb residence, which is evident by current bookings. The dwelling is currently booked out until April of 2022. Notably if complaints are received during occupation by a particular guest(s), guidelines are place with Airbnb to remove the offending guest(s).

Correspondence from the Town was sent to the landowner of the subject dwelling on 10 November 2021, alleging the subject dwelling is being used for short-stay accommodation without planning approval. A copy of the Town's correspondence is attached at **Attachment 2** of this submission. The landowner was not aware that planning approval had not been obtained since acquiring the dwelling in 2019.

This application has been prepared in direct response to the correspondence received from the Town, to ensure the long-standing use can continue.

PROPOSAL

This application seeks retrospective approval to change the use of the subject dwelling, to permit the dwelling to be used for short-term accommodation. This will provide ability for the owner of the existing dwelling to use or lease the dwelling on a short-term basis.

Obtaining approval for short-term accommodation will simply formalising the long-standing and established use, in direct response to the correspondence received from the Town on 10 November 2021.

The proprietor (Preston Capital Pty Ltd) will be responsible for managing schedules, clients, cleaning and general maintenance of the residence.

This proposal relates to the use only. No works component is proposed.

A site and floor plan is provided at **Attachment 3** of this submission depicting the existing building and subject dwelling.

TOWN PLANNING CONSIDERATIONS

We have provided the following information to address the relevant planning considerations applicable to this proposal. The proposed amendments to the approved development relate to the use only and as such, would not substantially change the development approved.

Town of Cottesloe Local Planning Scheme No. 3

Zoning

The subject site is zoned Restricted Foreshore Centre in accordance with the Town's Local Planning Scheme No.3 (**LPS3**). The subject site has an applicable density code of R60.

Clause 4.2.4 of LPS3 provides the following objectives for the Restricted Foreshore Centre:

a) *To provide the opportunity for a range of residential and a limited range of low-key non-residential uses which are compatible with the character and amenity of the beachfront locality and surrounding residential development;*

b) *Ensure that the predominantly residential and recreational nature of the locality is maintained;*

c) *Ensure that the urban character, aesthetics, amenity and residential streetscape quality of the locality are not compromised by inappropriate land use or development; and*

d) *Give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

Formalisation of the existing short-term accommodation use is consistent with the objectives of the Restricted Foreshore Centre. In particular, short-term accommodation is another use which is residential in nature, as it provides habitation for people in a building which has already been established for residential purposes. The proposal contributes towards the predominate residential nature of the locality.

The proposal does not comprise any physical works or alterations to the building, therefore it has no impact on the residential streetscape or important views.

Occupation of an apartment on a short-term basis is a use best classified as 'Serviced Apartment', defined under LPS3 as follows:

> ***Serviced Apartment:*** *means an apartment in a building/s or part thereof where such apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12 month period.*

'Serviced Apartment' is a '**D**' (discretionary) use in the Restricted Foreshore Centre zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval as required by clause 4.8. Discretion therefore exists to allow the dwelling to be used for short-term accommodation purposes.

For the reasons as listed above, it is considered that the proposed use is consistent with the objectives of the Restricted Foreshore Centre Zone, and warrants the Town's approval accordingly.

Development assessment

Table 1 below provides an assessment of the proposal against the relevant standards of LPS3. No alterations to plot ratio, existing access, site cover, setbacks, landscaping, building heights are proposed as part of this application which would otherwise warrant an assessment against the provisions of these development controls.

Table 1: LPS3 development assessment

Clause	Provision	Applicant comment	Compliant
5.8 – Vehicle Parking Requirements			
Per Table 3 of LPS3. *15. Serviced Apartment*	*0.5 spaces for each accommodation unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key accommodation staff and being held in common and not permanently allocated to individual units or any other tenancy.*	0.5 spaces is required for the proposal. Guests of the apartment will utilise the existing one car parking bays assigned under the Strata Plan. A copy of the Strata Plan is attached to this submission.	✓

As outlined in **Table 1** above, the proposal is compliant with the relevant standards of LPS3, particularly car parking.

CONCLUSION

As outlined throughout this submission, the proposal simply seeks approval to formalise a use which has operated successfully from the subject dwelling for a number of years. The proposal will simply allow the existing apartment to be utilised as an Airbnb, in direct response to the correspondence issued by the Town on 10 November 2021.

It is considered the proposal for short-term accommodation is consistent with the applicable planning framework and the zone objectives, and warrants the Town's approval. We respectfully request an invite to attend and present at any meeting of Council at which the application may be considered.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,

AARON HAWKINS
PLANNING CONSULTANT

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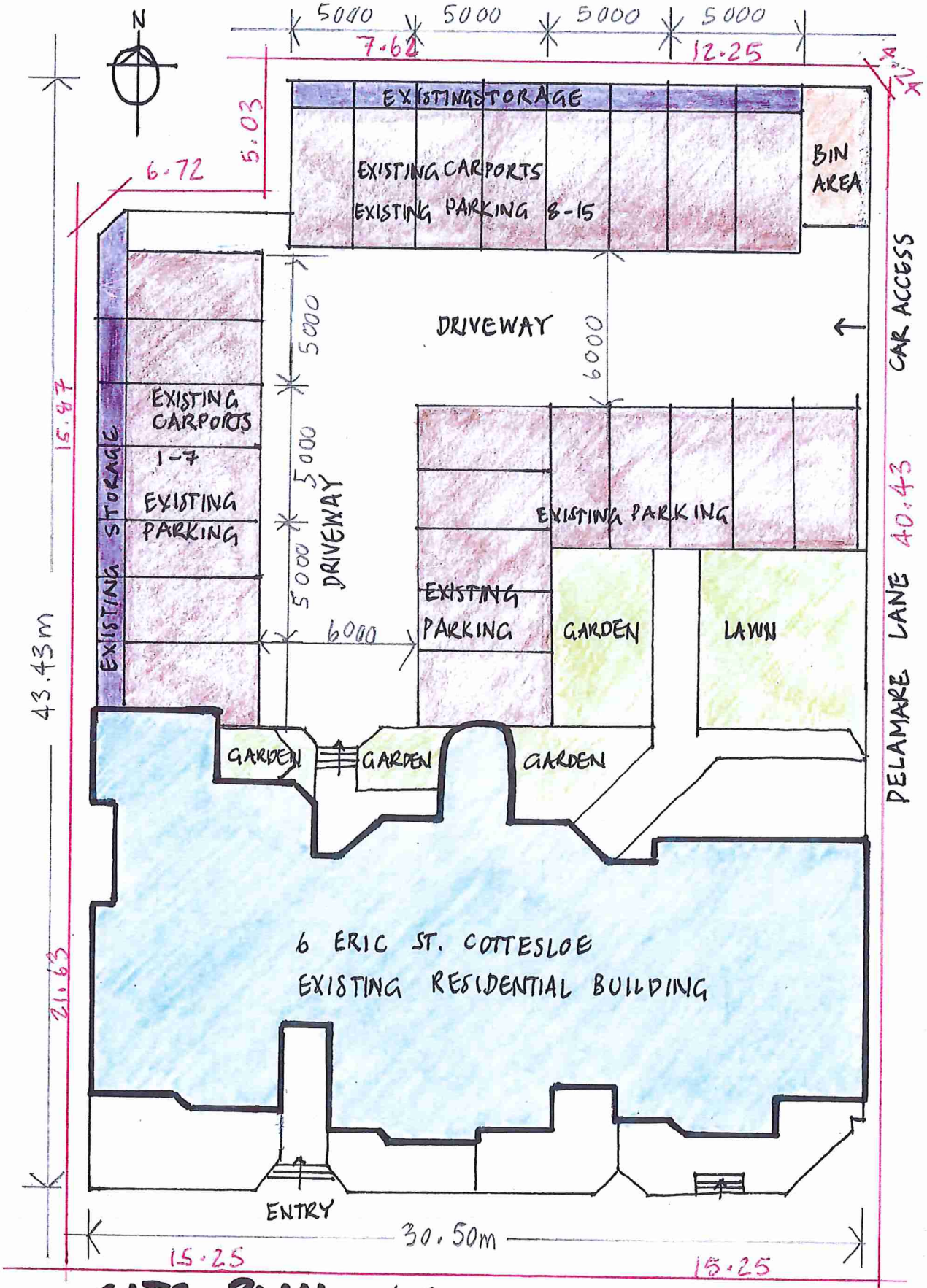
ATTACHMENT 3

SITE AND FLOOR PLANS



SITE PLAN - 6 ERIC ST. COTTESLOE

SCALE: 1:200 AREA 1282 m²

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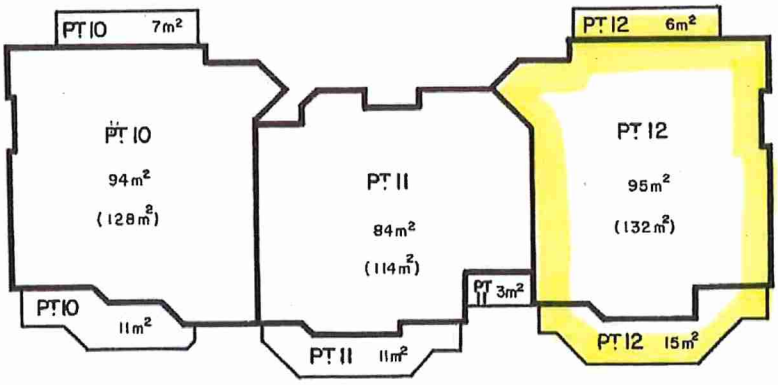
SHEET No. 4 OF 5 SHEETS CA5

STRATA PLAN No. 17341

THIRD FLOOR



FOR OTHER PT. LOTS REFER TO SHEET 1

Scale 1/ : 200

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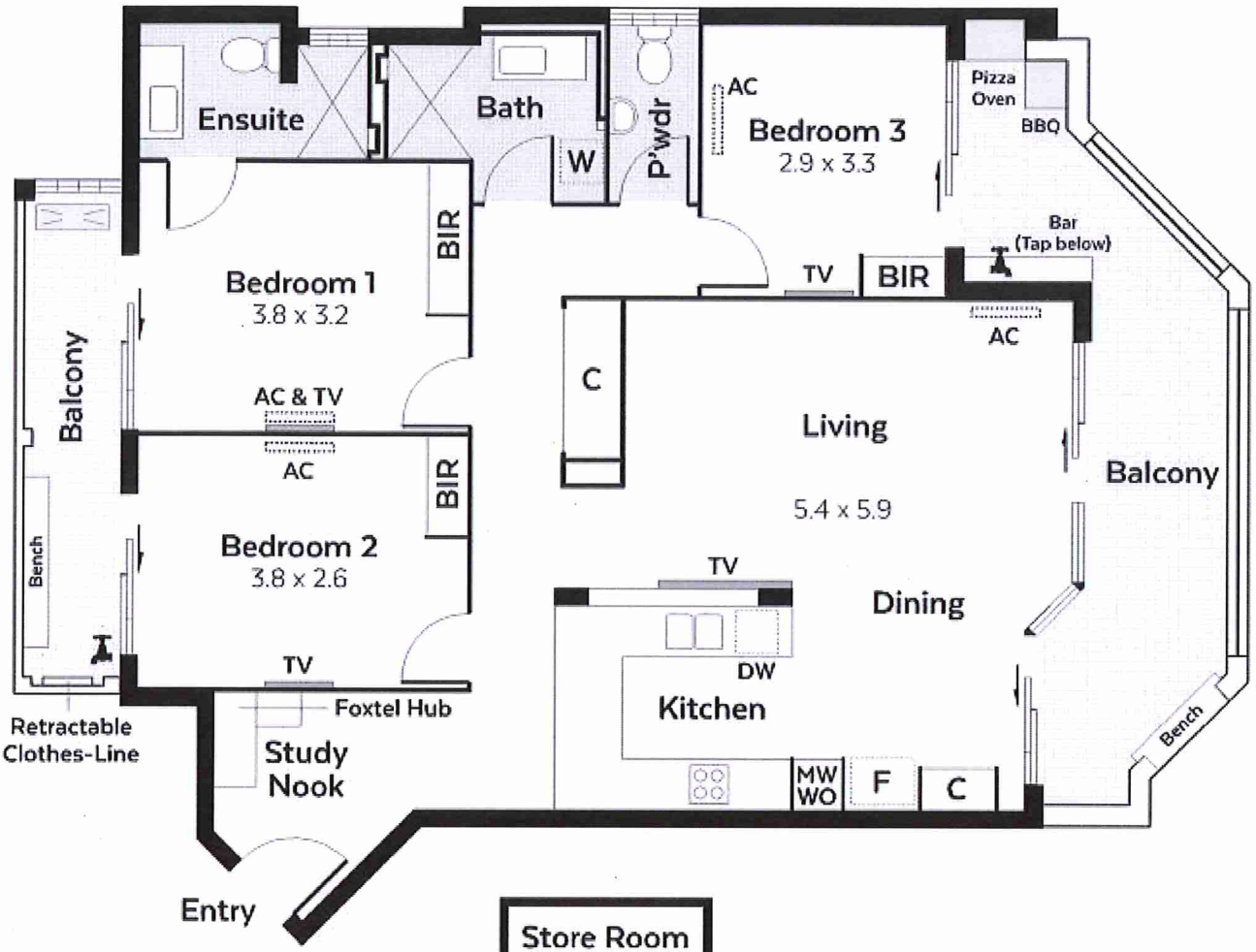
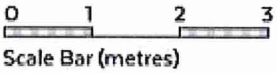
Approximate Areas

Internal Area	95m²
Northern Balcony	6m²
Southern Balcony	15m²
Carport	14m²
Store Room	2m²
TOTAL	132m²





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tm RESIDENTIAL

12 / 6 Eric Street COTTESLOE

NORTH

Not to scale • All measurements are approximate • Drawn for presentation purposes only • info@openpad.com.au • @openpad

House rules

Check-in: After 3:00 pm
Checkout: 10:00 am
Self check-in with key safe
No smoking
No pets
No parties or events

Additional rules

House Rules Strictly no parties allowed, however If you think you may want to invite outside guests to the apartment for any reason, please let us know in advance. We also have a no smoking policy in the apartment & balcony. Number of people staying over night do not exceed 6. If you could consider the neighbours and other residents of the apartment and keep noise levels down & to a decent hour (10pm week days 11pm weekends). Long term stays or guests that leave the apartment in a awful state maybe charged an additional cleaning fee upon your check-out inspection. Rubbish is to be placed in bins that are located near carpark gate at the rear of property, a key to gate will be provided in the apartment. Recycling of cardboard, plastics, tin and glass is to go in yellow lidded bins Green lidded bin is for general waste/ rubbish to be placed in the plastic rubbish bags provided. Property is to be securely locked when property unattended. Upon Your Check Out- please make sure • Check out is no later than 10am unless pre- arranged with host • Dishes, ovens, microwave & BBQ are cleaned also please make sure that the bbq cover is securely fastened back on as it can blow away in the sea breeze. • Air-conditioners, TV & lights are all turned off • Report anything broken or damaged to Louisa • Please make sure that all general waste & recycling Is contained in rubbish bags provided & placed in the appropriate wheelie bins. • Please leave the apartment in a respectful clean condition. • All bed linen & pillows can remain on the beds for the cleaner to remove. • All used towels can be placed in the laundry. • All doors and windows are shut & locked • On leaving , please place all keys & gate remote on the dining table lock & shut the front door. Any loss/ damage of keys or remotes will incur a cost to replace to the guest.

Best regards