

Veronica Dayman

From: Neil Houghton [neil@possumology.com]
Sent: Sunday, 6 February 2011 5:53 PM
To: Veronica Dayman
Subject: EF1129490 - CU.PRA.65 - Local Planning Policy Manual - Comments - Attn. CEO

Attention CEO

I would like to provide brief comments on the following policies:

Policy 2F - Holiday Homes

I am concerned that the policy lacks adequate controls to protect the amenity of permanent residents, especially in the more densely developed areas around the CBD. Of particular concern are the following:

F2.3 Protecting Residential Character

Although this section states that holiday homes should not become the predominant use in residential areas, the policy does not provide any measures to prevent this happening.

F2.4 – Ongoing Management

This section, in particular F2.4.2 , is extremely weak and does not provide the level of control needed to protect residential amenity and promote good business practice. I would strongly recommend that Council looks at the recently adopted Shire of Denmark Policy 19.3 – Holiday Homes and develops far more stringent management controls in line with the following:

7.7.1 Property Management Plan

A Property Management Plan shall be submitted as part of the planning application and shall detail the following:

- *Details of an agreement with a manager/caretaker or management company which lists their responsibility and shall include but not be limited to, matter such as maintenance and cleaning. **The manager of management company shall be accessible 24/7 and within 30 minutes of the property. Where properties are remote, alternative arrangements for a manager may be considered for up to 1 hour away.***
- *Code of conduct for guests.*
- *Details of how nuisance issues such as noise will be addressed by the manager.*
- *Refuse collection arrangement in areas outside of Council's refuse collection.*
- *Lease rental arrangements to allow for early eviction of tenants where their behaviour is unacceptable.*

F2.8 Conditions of Approval

The proposed 5 year renewal of approval is potentially too long. The Shire of Denmark's policy, which provides for a 3 – 5 year renewal, is more acceptable.

Policy 6K – Lot 100 Grey Street East

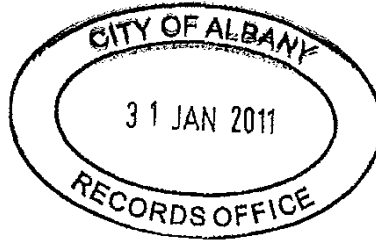
This policy provides a considered and appropriate response to the site and the locality. The design principles and, in particular, the use of 3 dimensional building envelopes are supported.

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Chief Executive Officer
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Dear Madam

***Proposed Draft Local Planning Policy – TPS No1A &3;
Policy 2F ~ Holiday Homes***

Thankyou for your letter dated 22 December inviting me to comment on the above policy.

While the policy is a positive step towards making the Holiday Home more defined and easier to manage for the City, and is in line with recommendations from the WAPC (Bulletin 99), I still have concerns:

- ***F2.1 ,2) General***
I would like to request that a notice advertising the proponent's intention to apply for a 5 year extension be placed outside the property, and that neighbours be notified.
- ***F2.3 Protecting the Residential Character of Neighbourhoods.***
As you are aware ~ this is the key point of my objection in previous correspondence to you. I won't repeat my comments as they are clearly outlined in my letter to you dated 22 September 2009.

My comments in this instance refer to the statement;
"shall consider the cumulative impact..."

Once again there is no indication of how this will be done. Will it be measured by the proportion of holiday homes within a certain radius? The number next to each other in a continuous row? The number next to vacant lots and public open spaces? The number of letters of objection from the neighbourhood?

We know that the character of a residential neighborhood is also affected by empty rental properties, short term (3 month) accommodation housing and summer holiday homes belonging to non-Albany residents. Each of these adds to the emptiness of a street and will have a 'cumulative' effect along with the impact of holiday homes.

Again, while I understand this is a complex issue, as a resident I feel I have no assurance that my amenity will not be gradually whittled away to the point where I am surrounded by homes which are empty in winter and overflowing with holidaymakers in summer.

At what point will enough be enough?

▪ **F2.4, 3) / Ongoing Management**

Other Shires (including Fremantle) stipulate that the owner must respond within 12 hours, and also ask that any changes to the use or management of the property must be notified in writing to the City.

Further, I would like to ask the following questions:

1. Will holiday accommodation owners be asked to pay a special levy in addition to their rates? The experience of other coastal Shires, is that holiday accommodation can place additional burdens on rubbish collection, street parking and other council services. The owners are essentially running a commercial business and it may be appropriate to recoup City costs through a levy / fee system.
2. Will the City be considering the impact that uncontrolled short-stay in residential areas will have on the viability of managed accommodation businesses such as 'My Place' and 'Three Chimneys'? These businesses employ staff and provide a service to visitors, I would not like to see them closing due to an over-supply of 'self catering' short-stay accommodation, as managed short-stay, or bed and breakfast style accommodation makes a much better neighbour for permanent residents as the owner / manager is on-site.
3. Will the City consider the impact on the community of empty short-stay homes in residential areas in the 'off' season? This is not an issue with the occasional short-stay on a street, but once the proportion rises, whole blocks can become empty, feel unsafe and abandoned, severely reducing the amenity for permanent residents, particularly the elderly.
4. Will the City consider the impact of excessive short-stay housing on home affordability in the central areas? Short stay housing is generally bought as an investment property for income generating reasons. These homes are then removed from the rental and housing market, and property prices increase. In some areas (such as the Snowy River Shire and Shires along the Great Ocean Road), this has escalated to the point where local staff cannot afford to live in towns, having an almost catastrophic effect on the communities. While I am not suggesting this will be the case in Albany, I provide the example to illustrate that short-stay is not necessarily a 'benign' use of residential properties, and needs to be managed and controlled. I note the Australian Sea Change Taskforce also comments:

*As indicated earlier, most non-metropolitan coastal populations are characterised by greater levels of socio-economic disadvantage than other parts of Australia. Demand for new housing and holiday accommodation reduces affordable housing opportunities. These factors are contributing to social polarisation within many coastal communities for these low income groups.
(p11, 10 Point Plan July 2010)*

For your information I have attached some text from Byron Bay, which has also been grappling with pressures caused by excessive short-term holiday accommodation:

In Summary, while this policy is a step in the right direction, I believe it is missing a critical element, and that is the ability to apply some quantitative / qualitative criteria to the requirement:

F2.3 Protecting the Residential Character of Neighbourhoods....."shall consider the cumulative impact..."

and in doing so consider other related cumulative elements.

I believe it would be better to build this criteria into the policy up front, rather than trying to retro-fit it once a problem has arisen and the community is in conflict (as seems inevitable if we are to learn from the experience of other Shires). In addition, if the City is going to refuse an application on grounds of 'cumulative impact' as per F2.3, it will need a clear and defensible position, or its decision will be challenged and overturned.

Thank you for your time, I hope that you will be able to propose a Clause that will address my concerns.

Regards



Brian Malone

Byron Bay [annexure 8(o)]

Social / Cultural

There is conflict in the community regarding holiday letting. It is appropriate to resolve the issue in a planning sense. Traditionally, houses on the Australian coastline have been holiday let **but in some areas it has evolved to a situation where this short-term letting overtakes a neighbourhood.**

Economic

There are a significant number of houses let for holiday accommodation (Southern Cross University found approximately 400 holiday houses in their survey). There are also likely to be some apartments which are holiday let and do not have planning approval. Should such accommodation be prohibited it would have significant impacts on tourist related incomes in the Shire and could, in fact, lead to a loss of tourist visitations, particularly for those tourists who desire this form of accommodation.

On the other hand, it is likely in some areas that the value related to holiday letting escalates the value of residential properties to an excessive amount, making it more difficult for new residents to find affordable housing. It also encourages those who own existing houses to rent those for holiday rental rather than permanent rental.

Environmental

Uncontrolled numbers in residential houses could have burdens on sewers, street parking and rubbish collection. There is evidence of noise nuisance at some locations but over the past year many of these issues have reduced due to the support of the Holiday Letting Organisation (HLO) and perhaps to some reduction in tourist numbers.