

**SUMMARY OF SUBMISSIONS – FILE No. AMD21/0005**  
**PROPOSAL: LOCAL PLANNING SCHEME 21 – AMENDMENT NO. 5**  
**SUBMISSIONS CLOSE: 17 April 2015**  
**OFFICER: Louise Koroveshi**

No	ADDRESS	Nature of Submission	Comment	Recommendation
1.	Main Roads WA	No objection.	Noted.	That the submission be noted.
2.	Water Corporation PO Box 100 Leederville WA 6902	No objection.	Noted.	That the submission be noted.
3	DFES PO Box 1288 Bunbury WA 6231	Development will need to be in accordance with <i>Planning for Bush Fire Protection Guidelines 2010</i> .	Noted.	That the submission be noted.
4.	Department of Health PO Box 8172 PERTH WA 6849	No objection.	Noted.	That the submission be noted.
5.	RPS PO Box 749 Busselton WA 6280	Request that Amendment 5 be modified in line with the original rezoning submission to include Lots 4 and 5, 700 Caves Road (the Azure Beach Residences) into the unrestricted length of stay provision. The request is supported by the owners of Lots 4 – 5 and Lots 6 – 15. There is also a deed of agreement between the owner of Lots 6 – 15 and Lot 4 that agrees to the terms of the amendment and for it to include Lots 4 and 5. The Azure Beach Residences currently cater mainly for bigger groups and weddings due to the large floor size of each townhouse (4 bedroom, 2 bathroom) and close proximity to the on-site chapel. However the residences have a low occupancy rate (25%) compared with other units within the resort (80%), largely due to the nightly rack rate, size and limited market appeal. As	The WAPC <i>Planning Bulletin 83/2013 Planning for Tourism</i> sets out the policy of the WAPC to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes. The key policy provision outlined in this bulletin relevant to the consideration of this submission is – <i>'Conversion of an existing tourism development to facilitate a residential component should not be</i>	That the submission be dismissed.

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	<p>these lots are owned by individual persons, in contrast to the resort in general, such occupancy rates represent a poor investment return and the use and redevelopment potential of these two lots is limited by the high development investment on each site to date and the planning restrictions on the occupancy periods.</p> <p>The inclusion of Lots 4 and 5 will not prejudice the ability of either the Wyndham Resort units or the Azure Beach Residences to be used for tourist accommodation as they will remain in the letting pool.</p> <p>The Residences are separated from the other units within the Wyndham Resort by fencing, driveway access and parking but are contiguous with Lots 6 – 10. Lots 4 – 15 have a clear demarcation from the remainder of the resort and would serve to cluster the unrestricted length of stay units in one discrete area.</p>	<p><i>supported without demonstrating the development will provide a quality tourism benefit. Examples include a major refurbishment or increase in the number of tourism units, renovations and/or development of public spaces and new facilities such as pool or restaurant.'</i></p> <p>The City's <i>Local Tourism Planning Strategy</i> provides for consideration of an unrestricted stay allowance within strategic tourist sites where a net tourism benefit can be demonstrated, consistent with WAPC policy.</p> <p>Officers are of the view that the submission does not demonstrate how the inclusion of these two units in the draft amendment will provide a quality tourism benefit such as an increase in the number, or significant upgrade of, tourism units</p>	
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			<p>and facilities. The proposal is not viewed as necessary to facilitate or stimulate tourism development on Lots 6 – 15.</p> <p>If it had been the case that these particular units formed part of the scheme amendment, officers would have assessed it against the local and State planning framework and found it to be inconsistent.</p> <p>For the reasons set out above, modification of the amendment to include Lots 4 and 4 would be contrary to the prevailing planning framework and therefore the submission should be dismissed.</p>	
6.	Baylady Holdings Lot 5, 700 Caves Road Marybrook WA 6280	As per submission 5. The amendment is not supported unless modified to include Lot 5.	Refer to the comments provided in response to submission 5.	Refer to the recommendation provided in response to submission 5.
7.	Azure Unit Trust Lot 4, 700 Caves Road Marybrook WA 6280	As per submission 5. The amendment is not supported unless modified to include Lot 5.	Refer to the comments provided in response to submission 5.	Refer to the recommendation provided in response to submission 5.
8.	Wyndham Resort &	Objection.	The balance of the	That the submission

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	<p>Spa Dunsborough  700 Caves Road  Marybrook WA 6280</p>	<p>Wyndham owns 82 of the accommodation units within the resort which are available to its club members on a timeshare basis. Wyndham, through its wholly owned subsidiary company Resort Management by Wyndham (RMBW) is the manager of Wyndham Resort &amp; Spa Dunsborough and is responsible for various management and maintenance tasks for the strata company. RMBW is also the sole booking agent for all units at Wyndham Dunsborough, including Lots 4 - 15.</p> <p>Wyndham objects to the amendment on the following grounds -</p> <p>1. Impact on resort facilities and management/maintenance arrangements -</p> <p>A previous concept plan for Lots 6-15 indicated the development of 10 units. The amendment proposal includes three development scenarios 21, 35 or 30 additional units. It is difficult for Wyndham to determine the level of impact on the management and maintenance of the resort without clarity on the final number of units that may be developed on the vacant strata lots, particularly given that a large percentage, if not all the units that could be developed on Lots 6 – 15 could fall within the 25% unrestricted length of stay threshold.</p> <p>2. Limited car parking –</p> <p>Wyndham reject the assertion that the proposal will have no effect on the car parking allocations</p>	<p>Wyndham Resort has been strata titled into 14 lots, of which two have been developed (the Azure Beach Residences). The original concept plan indicated the development of single units on each lot i.e. the remaining 10 vacant lots would accommodate a single accommodation unit each. The draft Amendment report suggests that development options are still being considered over the vacant lots that either accord with the existing strata arrangements (i.e. an additional 10 units similar to the Azure Beach Residences) or increasing the unit yield based on a reconfigured strata title scheme (21, 30 or 35 units).</p> <p>A development application and planning consent from the City is required before any development can occur on Lots 6 -15. Development could be approved on these</p>	<p>be noted.</p>
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		<p>for the existing units. Without clarity on the number of additional units that will be developed on Lots 6 – 15, and confirmation of the number of permanent tenants requiring permanent car parking, it is difficult to judge the impact on the proposed change. Based on Wyndham’s experience in managing the resort, a shortfall of car parking bays and resulting disputes between the on-site businesses, holiday rental guests and permanent tenants is foreseen.</p> <p>3. Uncertainty around the new Strata Company structure –  It is unknown how the development of Lots 6 – 15 will impact upon the existing strata company. Concerns include but are not limited to: provision of further common areas; division of 10 lots into many more separate strata titled units; creation of a layered strata scheme and allocation/redistribution of existing unit entitlements.</p> <p>4. Disputes between permanent tenants and short term guests –  Potential disputes are foreseen between permanent tenants living in close proximity to the restaurant, common areas and other areas where business functions such as weddings, conferences, parties and other corporate/private functions are arranged during various times of the week/year. Our experience in managing resorts with a mix of permanent and holiday</p>	<p>lots irrespective of the draft Amendment. A new strata title application and strata title scheme reflecting the development approval would require the approval of the Western Australian Planning Commission. The amendment, in and of itself, relates to the percentage of the overall number of tourist accommodation units (to be developed) that could be occupied on an unrestricted basis within Lots 6 – 15. It does not constitute development approval for a specified number of units to be developed on the lots.</p>	
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		rentals, complaints about noise levels and disruption are common from tenants living permanently in a tourist complex. It could also result in disputes over resort amenities such as the pool, BBQ facilities and kids playground, particularly during peak holiday times.		
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