

Introduction

The Shire seeks to implement local planning framework to guide the appropriateness of Short Stay Accommodation land uses, and navigate the delicate balances needing to be considered when assessing such uses nearby residential functions. Short Stay Accommodation land uses consist of Holiday House, Holiday Accommodation, and Bed & Breakfast land uses under Local Planning Scheme No. 8 (LPS8).

A local planning policy for Short Stay Accommodation land uses is appropriate because it allows communities to manage tourism sustainably and limits the impacts on residential amenity, while promoting economic growth.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Purpose

The objectives of this Policy are as follows:

1. To manage tourism, protect the character of the community, and ensure sustainable development in the area; and
2. To guide the Shire's decision making in respect to the appropriateness of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal.

Application

The policy applies to the development of Short Stay Accommodation across the whole of the Shire and aims to provide criteria for the assessment of planning proposals involving the use of land for the land uses identified above.

The Shire's Local Planning Scheme No. 8 (LPS8) considers a 'Holiday House' land use as discretionary within the following zones:

- Residential;
- Rural Residential;
- Rural;
- Priority Agriculture; and
- Mixed-Use Residential.

The Shire's Local Planning Scheme No. 8 (LPS8) considers a 'Holiday Accommodation' land use as discretionary within the following zones:

- Residential;
- Rural;

- District Centre;
- Priority Agriculture; and
- Mixed-Use Residential.

The Shire's Local Planning Scheme No. 8 (LPS8) considers a 'Bed & Breakfast' land use as discretionary within the following zones:

- Residential;
- Rural Residential;
- Rural;
- Priority Agriculture; and
- Mixed-Use Residential.

The discretionary nature of the land use for the abovementioned Zones requires a comprehensive assessment of such developments, and to determine whether a proposal is considered suitable for its location, factoring variables such as visitor numbers, seasonality, and management into consideration.

Policy Statement

1. Exercise of discretion under Local Planning Scheme No. 8

In considering an application for a Short Stay Accommodation use, the Shire will have regard to the following matters:

- a) The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site.
- b) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area.
- c) Any proposed management controls by the operator that will be incorporated into the Management Plan required by clause 2, which mitigate potential adverse amenity impacts to nearby landowners and occupiers. In the cases where the operator is known, the Shire shall consider any identified experience or expertise of the applicant/operator in operating other Holiday House uses.
- d) If the application relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approved management plan (refer clause 2).

2. Management Plans

- a) The Shire will typically require the submission of a Management Plan (code of conduct) at lodgement of an application the subject of this policy. The Management Plan shall (but not limited to) address the following matters:
 - Duration of stay, number of guests and check in and departure procedures;
 - Control of noise and other disturbances, including but not limited to amplified music, smoke, odours, light and barking dogs;

- Complaints management procedure;
 - Security of guests, residents and visitors;
 - Control of anti-social behaviour and potential conflict between the short-term and long-term residents;
 - Storage and removal of rubbish;
 - Signage standards for contact information; and
 - Vehicle parking management.
- b) Standard conditions of a Management Plan (code of conduct) are included in Annexure A but may be subject to review on an ongoing basis at an administrative level to ensure policy objectives are achieved.
- c) Where a holiday house is proposed in a bushfire prone area and is on a lot that has access to reticulated water and is within or contiguous with, an urban area or town, it will be deemed minor development under State Planning Policy 3.7 – Planning in Bushfire Prone Areas, subject to the submission of an acceptable:
- a. Simplified Emergency Evacuation Plan; and
 - b. Simplified Bushfire Management Plan.
- d) Where a Short Stay Accommodation use is proposed in a bushfire prone area and is not a lot that has access to reticulated water and is within or contiguous with, an urban area or town, must satisfy State Planning Policy 3.7 – Planning for Bushfire Prone Areas.

3. Temporary Approvals for Short Stay Accommodation Uses

- a) The Shire may grant approval to the use on a temporary basis for a period of 12 months under Clause 72 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).
- b) At the conclusion of the 12-month period under clause 3(a) of this policy, the approval shall lapse and be of no further affect unless the Shire resolves to grant approval to a new development application, amends the original approval to delete the condition(s) limiting the time of approval or extends the term of the approval under Clause 77 of the Deemed Provisions.
- c) In determining whether a subsequent approval is to be granted under Clause 77 of the Deemed Provisions, the Shire shall have regard to the following matters:
- Any changes to the characteristics of the area surrounding the use since the original approval was granted;
 - Responsiveness of managers/owners to resolve breaches;
 - Whether the approved Management Plan has been sufficiently complied with; and
 - The validity and severity of any complaints received relating to the operation of the approved use.

Department:	Development Services	Next review:
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Reviewer:		Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Adopted:	27 March 2024	Delegation:	166
Amended:		Risk:	
Policy ref #:	LPP6.16	Version:	1.0

Annexure A

Management Plan – Code of Conduct for Holiday Houses

1. Occupants to act lawfully

2. Number of Occupants and Guests

The maximum number of Occupants permitted at this Holiday House is (insert number of guests) are permitted after 10pm.

3. Vehicles

3.1. The number of vehicles (including all motorised vehicles and trailers) parked at the Holiday House must not exceed (insert number of vehicles).

3.2. Each vehicle used by an occupant or guest of the Holiday House must be parked within the designated parking bays.

4. Obligations to neighbours

Each occupant who enters, uses or occupies the Holiday House, including any outdoor areas, for example an outdoor entertainment area, deck, balcony, swimming pool or spa, must not act in a manner that could reasonably be expected to cause alarm, distress or nuisance to neighbours adjoining or in the vicinity of the Holiday House, including but not limited to—

- (a) violence or threats;
- (b) loud aggressive behaviour including yelling, screaming or arguing;
- (c) excessively loud noise nuisance; and
- (d) overlooking or light spill.

5. Pets

Pets occupying the premises—

- (a) must not be left unattended; and
- (b) must be managed and not cause a nuisance (including a noise nuisance) to neighbours adjoining or in the vicinity of the Holiday House.

6. General obligations

6.1. An Occupant or guest of the Holiday House must not sleep or camp on the site in a tent, caravan, campervan or similar.

6.2. All rubbish produced by Occupants must be stored in a waste container and removed weekly.

7. Responsibility of Manager

An Occupant must notify the Manager or the Manager's representative of any dispute or complaint about an occupant's behaviour as soon as possible after the dispute or complaint arises.

8. Prior to commencement of any occupation of the Holiday House, the Manager must provide all Occupants with the following a copy of the Management Plan – Code of Conduct.
9. The Owner and Manager must ensure that the Premises displays a sign that:
 - a. is visible from the street;
 - b. displays a current telephone number upon which the Manager can be reached;
 - c. is located solely within the subject site; and
 - d. is no larger than 0.2m'.