

PLANNING AND NATURAL SYSTEMS

ATTACHMENT C

**DRAFT DEVELOPMENT CONTROL PLAN FOR
SHORT-TERM RENTAL ACCOMMODATION**

ORDINARY MEETING

14 DECEMBER 2016

Attachment C - Submission Summary Table - Draft Development Control Plan – Short-Term Rental Accommodation

The main issues relating to the Development Control Plan for Short-Term Rental Accommodation as raised in submissions including the planner’s response are summarised below:

Issue summary	Nature of comments/questions raised	Planning response/recommendation
No. of visitors	<ul style="list-style-type: none"> Should be additional restrictions placed on number of people not just based on no. of bedrooms or length of occupancy. Add to the DCP – restriction on persons per room should include children as “persons”. 	<ul style="list-style-type: none"> Noted. After internal discussions the draft DCP has been amended to restrict the number of people per bedroom to two (2) persons whether they are adults or children. Further, the number of persons permitted per bedroom (including children) can be considered on a merits basis during the development assessment process.
	<ul style="list-style-type: none"> By regulating no. of bedrooms and not number of visitors safety issues are created e.g. fire safety. 	<ul style="list-style-type: none"> The draft DCP states that the maximum number of guests must not exceed 2 persons per bedroom. This would limit the number of persons able to be accommodated in a 5 bedroom dwelling to 10 regardless of if they are adults or children. The RFS have indicated that STRA located on bushfire prone land will be required to obtain a Bushfire Safety Authority under section 100B of the <i>Rural Fires Act 1997</i>. This requirement will ensure issues relating the fire safety are addressed. Other safety issues can be addressed at the development application stage.
Regulation/safety	<ul style="list-style-type: none"> The proposed regulations are inadequate for suffering residents. 	<ul style="list-style-type: none"> Council considers that the PP and DCP represents a reasonable balance between ensuring impacts upon neighbours from STRA are managed while still allowing this important economic generating industry to continue.
	<ul style="list-style-type: none"> Septic systems used in STRA should not exceed their capacity 	<ul style="list-style-type: none"> The use of septic systems is regulated under section

	<p>this should be enforced.</p>	<p>68 of the <i>Local Government Act 1993</i> and relevant sections of the <i>Local Government (General) Regulation 2005</i>. Septic systems for STRAs are required to strictly comply with the provisions of the stated legislation.</p> <ul style="list-style-type: none"> • The DCP contains a section 'Onsite Sewage and Waste Management'. The section of the DCP contains detailed provisions for Onsite Sewage Management Systems used for STRA.
<p>Noise/amenity</p>	<ul style="list-style-type: none"> • Noise is the number one (1) issue for working families. Council should protect the residential amenity of the area. Neighbours should be able to contact property owners directly when issues are occurring. Property managing agent is not enough – they are closed when the issue is occurring. 	<ul style="list-style-type: none"> • Noted. amenity/noise has come out as the number one (1) issue in the submissions. • A clause has been added the Amenity section stating that noise attenuation barriers may be required where there is the potential to impact on the amenity of neighbouring properties. • Council can require additional conditions of consent as part of the development assessment process to ensure impacts from noise are minimised. This would occur on a case by case basis. An example of this occurred in 2014 where Council placed additional conditions of consent on a development application for a dwelling being used for STRA in Bundabah. • Neighbours can complain to Council regarding noise issues in association with STRA. Council can ensure any conditions of consent are being adhered to and investigate whether there are any options for noise reduction which have not been exhausted. • Council also recommends liaising with managing real-estate agents to ensure they are aware of noise issues in association with STRA. Council has regular meetings with real-estate agents regarding STRA and will raise the issue of noise management as a priority at the next meeting. • For any safety issues associated with noise Council recommends that neighbours should contact the

		Police in the first instance.
	<ul style="list-style-type: none"> • Council needs to take seriously the problems that exist for permanent residents affect by offensive noise no matter how many bedrooms. 	<ul style="list-style-type: none"> • Council does take the issues associated with STRA seriously. The development of a PP and associated DCP to regulate this use is testament to this.
	<ul style="list-style-type: none"> • Who do affected neighbours complain to regarding noise or disturbance eg: blocked driveways and rubbish etc. 	<ul style="list-style-type: none"> • Neighbours can contact Council to discuss issues such as waste management, blocked driveways or rubbish disposal. • Comments regarding noise are provided above.
	<ul style="list-style-type: none"> • What advice does Council give regarding policing noise and bad behaviour as confrontation can lead to assault. 	<ul style="list-style-type: none"> • Any incidences were there are concerns for public safety should be reported to the Police in the first instance.
	<ul style="list-style-type: none"> • Letting agents should include a note on premises indicating outside areas should not be used after 10pm or to keep noise to a minimum. • DCP should be amended to include mention of outside deck areas as this is where the noise becomes an issue. 	<ul style="list-style-type: none"> • Noted. Council can require additional conditions of consent as part of the development assessment process to ensure impacts from noise are minimised. • Comments regarding noise are provided above.
	<ul style="list-style-type: none"> • Dwellings that exist in Smiths Lake of four (4) or five (5) bedrooms are incompatible with the residential amenity – noise (offensive). 	<ul style="list-style-type: none"> • Noted. Council’s intention is not to regulate the number of bedrooms for a dwelling. • Comments regarding noise are provided above.
	<ul style="list-style-type: none"> • Neighbours are the ones that suffer from noise so they should be listened to about how issues can be resolved. Noise restrictions should be places on all STRA no matter how many bedrooms. 	<ul style="list-style-type: none"> • Noted. Council has taken all feedback from the community into consideration when developing controls for STRA. • Comments regarding noise are provided above.
	<ul style="list-style-type: none"> • Council needs to explain how they intent to ensure impacts upon neighbours are managed without controls. 	<ul style="list-style-type: none"> • Council considers that the proposed controls for STRA under the PP and DCP represent a reasonable balance between ensuring impacts upon neighbours from STRA are managed while still allowing this important economic generating industry to continue.
	<ul style="list-style-type: none"> • A Plan of Management for noise control should be put in place by property managers and Council to protect residents from confronting situations. 	<ul style="list-style-type: none"> • Noted. For those properties that will not be required to comply with the DCP the issues of noise, depending upon its nature is a matter for the managing real-estate agent or police.
	<ul style="list-style-type: none"> • The DCP does not address “battle axe blocks” particularly where this is a shared right of access. There are also privacy 	<ul style="list-style-type: none"> • Noted. The issues of access and privacy as they relate to battle axe blocks is something that needs

	<p>screening issues. These blocks should not be allowed to be used for STHR</p>	<p>to be addressed during the development application process at the time of the subdivision. Council considers that prohibiting the use of dwellings for STRA in battle axe situations would not be equitable.</p>
Holiday Rental Code of Conduct	<ul style="list-style-type: none"> Reference should be included within the DCP to the Holiday Rental Code of Conduct 	<ul style="list-style-type: none"> Council has received advice that referencing external documents such as the Code of Conduct in its LEP and/or DCP is not recommended. This is due to the changing nature of such documents which makes them difficult to regulate.
	<ul style="list-style-type: none"> Will the Code of Conduct be made obvious to visitors using STRA so they adhere to it? 	<ul style="list-style-type: none"> This is a matter for the managing real-estate agent.
	<ul style="list-style-type: none"> What should affected residents do when visitors are not adhering to the Code, especially late at night? 	<ul style="list-style-type: none"> This will depend on the nature of the behaviour. As indicated above concerns for public safety should be reported to the Police in the first instance. Advice regarding noise is provided above.
	<ul style="list-style-type: none"> A summary of the Code and 'house rules' must be part of the condition of occupation and be displayed in all holiday properties 	<ul style="list-style-type: none"> Noted. This is considered a matter for the managing real-estate agent. Council has regular meetings with local real-estate agents regarding STHA and will raise this idea at the next get together.