

Planning Directive No. 6

Exemption and Standards for Visitor Accommodation in Planning Schemes

This Planning Directive has been issued by the Minister for Planning under section 13(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on 1 August 2018¹. It replaces *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes* which came into effect on 1 July 2018

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

Version	Issue date	Description
1.0	1 July 2018	Original version, replaces Interim Planning Directive No. 2
2.0	1 August 2018	Modification to clarify clause 3.1(e) Acceptable Solution A1

1.0 Citation

This planning directive may be cited as Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.

2.0 Application

2.1 This planning directive applies to the following planning schemes:

- (a) interim planning schemes that have been declared or made under the *Land Use Planning and Approvals Act 1993* (the Act);
- (b) notwithstanding 2.1(a), the area identified as Battery Point Heritage Precinct (BP1) in the Hobart Interim Planning Scheme 2015 is excluded from the application of 3.1(c), 3.1(d) and 3.1(e);
- (c) the *Flinders Planning Scheme 2000*; and
- (d) the *Sullivans Cove Planning Scheme 1997*.

3.0 Effect of the planning directive (Mandatory provisions)

3.1 For all interim planning schemes to which this planning directive applies must have the effect that:

- (a) the description for the Use Class of Visitor Accommodation is:
use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.
- (b) the following use is exempt from requiring a planning permit:
Visitor Accommodation in a dwelling (including an ancillary dwelling) if:
 - (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
 - (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (c) unless 3.1(b) applies, Visitor Accommodation is 'Permitted' with no qualification within the Use Tables for General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone.
- (d) Unless 3.1(b) applies, the following standards must be complied with:
 - (i) all relevant zone development standards for buildings and works; and
 - (ii) all relevant use and development standards if within an applicable zone or code.
- (e) the following use standard for Visitor Accommodation is in substitution for all Visitor Accommodation use standards in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone:

Visitor Accommodation

Objective:	
That Visitor Accommodation:	
<ul style="list-style-type: none"> (a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m² per lot. 	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the primary residential function of an area; (e) the impact on the safety and efficiency of the local road network; and (f) any impact on the owners and users rights of way.
<p>A2</p> <p>Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i>, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p>	<p>P2</p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of residents; (b) any likely increase in noise; (c) the residential function of the strata scheme; (d) the location and layout of the lots; (e) the extent and nature of any other non-residential uses; and (f) any impact on shared access and common property.

- (f) For the purpose of A2 and P2 in the Visitor Accommodation Use Standard in 3.1(e), the meaning of “lot”² and “strata scheme”³ is as defined in the *Strata Titles Act 1998*.
- 3.2 For the *Flinders Planning Scheme 2000* to which this planning directive applies must have the effect that:
- (a) The use of a House, House and Ancillary Apartment or Grouped Housing (the premises) for Visitor Accommodation is exempt from requiring a planning permit, if:
- (i) the premises is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
- (ii) the premises is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) For the purposes of clause 3.2(a) Visitor Accommodation means:
means the use of land for providing short or medium-term accommodation, for persons away from their normal place of residence, on a commercial basis.
- 3.3 For the *Sullivans Cove Planning Scheme 1997* to which this planning directive applies must have the effect that:
- (a) Bed and Breakfast Establishment and Visitor Accommodation uses in a dwelling are exempt from requiring a planning permit, if:
- (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
- (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) the definition for Bed and Breakfast Establishment is:
A Dwelling used, by a resident of the dwelling for permanent accommodation, to provide accommodation for persons away from their normal place of residence, on a commercial basis.
- (c) the definition for Visitor Accommodation is:
Means the use of habitable buildings and spaces for short term occupancy by people who are visitors to the Planning Area, on a commercial basis, including Residential Hotel, Holiday Unit and Motel.
- (d) Unless 3.3(a) applies, Bed and Breakfast Establishment use and Visitor Accommodation use are ‘Permitted’ within Activity Area 1.0 Inner City Residential (Wapping), subject to the following:

² *Strata Titles Act 1998* defines ‘lot’ as:

‘lot, in respect of a site, means a part of the site –

(a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner; or

(b) consisting of land that, by virtue of a certificate under section (A of the Meander Dam Project Act 2003, is to be treated as a lot’

³ *Strata Titles Act 1998* defines ‘strata scheme’ as:

‘strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan’

- (i) guests are accommodated in existing habitable buildings; and
- (ii) the use has a floor area of not more than 200m² per lot

Otherwise 'Discretionary'.

- (e) Unless 3.3(a) applies, Bed and Breakfast Establishment and Visitor Accommodation that does not comply with the provisions in 3.3(d) is 'Discretionary' in Activity Area 1.0 Inner City Residential (Wapping) subject to the following conditions:

Bed and Breakfast Establishment and Visitor Accommodation must:

- (i) not cause an unreasonable loss of privacy to adjoining properties;
- (ii) not likely to cause an unreasonable increase in noise;
- (iii) be of a scale that respects the character and use of the area;
- (iv) not adversely impact the safety and efficiency of the local road network;
- (v) not unreasonably disadvantage owners and users of rights of way;
- (vi) not be located on the same site as a dwelling providing long term residential accommodation, unless:
 - a. it has a separate ground level pedestrian access to a road; or
 - b. there is an existing mix of uses on the site;

and the impact on the amenity of the long term residents within the site is not unreasonable.

Otherwise 'Prohibited'.

4.0 Application of Standards and planning requirement

4.1 If any provision or requirement in a planning scheme to which this planning directive applies is directly or indirectly inconsistent with the provisions or requirements specified in subclauses 3.1, 3.2 or 3.3, that provision or requirement does not apply to the extent of the inconsistency.

4.2 Notwithstanding 4.1, any provision or requirement in the Flinders Planning Scheme 2000 and the Sullivans Cove Planning Scheme 1997 that would normally apply to Visitor Accommodation use or development, remains in force providing it does not cause the substitution for, modification of or an addition to:

- (i) the definitions for Visitor Accommodation to that stated in 3.2(b) and 3.3(c) and the definition for Bed and Breakfast Establishment to that stated in 3.3(b);
- (ii) the exemption from requiring a planning permit to that stated in 3.2(a) and 3.3(a) and;
- (iii) the use status for Visitor Accommodation to that stated in 3.3(d) and 3.3(e), including any applicable conditions, in the use tables of Activity Area.

5.0 Suspension of Provisions

The description of Visitor Accommodation under Table 8.2 - Use Class in Planning Directive No. 1 – The Format and Structure of Planning Schemes is suspended for the period this planning directive is in force.

6.0 Commencement

This planning directive takes effect on 1 August 2018.