

Clause 67 – Relevant Matters to be Considered by Local Government Assessment

Clause 67 – Matters to be Considered	
Matter	Administration Comment
<p>a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.</p>	<p>LPS2 contains broader aims applicable to the entire Scheme area, separate to objectives for each zone. LPS2 aims relevant to this proposal include:</p> <ul style="list-style-type: none"> (a) <i>to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;</i> (b) <i>to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, environmental and cultural environment;</i> (c) <i>to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –</i> <ul style="list-style-type: none"> (i) <i>recognises the individual character and needs of the five community precincts within the Scheme area; and</i> (ii) <i>can respond readily to change;</i> <p>In summary, the proposal is inconsistent with the aims of LPS2. The site is not suitably located for the introduction of a Holiday House land use, given its context within a residential area. The increased intensity and commercial nature of the proposed use, when compared to a typical dwelling, is likely to result in unreasonable impacts on the amenity of the surrounding area, particularly in relation to noise. As such, the proposal is not aligned with the objectives of the zone.</p>
<p>b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.</p>	<p>At its 11 February 2025 Ordinary Council Meeting, Council resolved to repaper and advertise a revised Local Planning Policy: Short Term Accommodation parallel with Local Planning Scheme Amendment No. 13 to Local Planning Scheme No. 2.</p> <p>As discussed in the Legal/Policy section of the report, these proposed amendments have not yet been advertised and therefore cannot be given regard as part of the assessment or decision of this proposal.</p>
<p>g) Any local planning policy for the Scheme area.</p>	<p>An assessment has been undertaken against the City's relevant local planning policies, including the Short-Term Accommodation Policy and the Non-Residential Parking Policy. The proposed use is not supported as it does not meet the objectives of the Short-Term Accommodation Policy, for the reasons outlined in the Comments section of this report.</p>
<p>m) The compatibility of the development with its setting including –</p> <ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. 	<p>The proposed development is not considered compatible with its residential setting, as the introduction of a Holiday House land use would adversely impact the future character of the area and the amenity of adjoining properties. The commercial nature of the use within a residential context is likely to result in unreasonable noise impacts, particularly from guests making more intensive and extended use of the outdoor living area than would typically occur in a permanent residence.</p> <p>While the applicant has proposed management measures to address noise, these are largely reactive rather than proactive, and do not provide sufficient assurance that unacceptable levels of noise will be avoided.</p>
<p>n) The amenity of the locality including the following –</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	<p>Further detail is provided in the Comments section of this report.</p>

<p>w) the history of the site where the development is to be located</p>	<p>The site and immediately adjoining properties were constructed as single houses and have historically been used for permanent residential purposes.</p> <p>The subject site is currently operating as an un-hosted Short-Term Rental Accommodation under an exemption granted by the Planning Regulations, which allows such use for up to 90 nights without requiring development approval.</p> <p>The temporary nature of the exemption does not provide sufficient justification or planning weight to support the ongoing approval of the Holiday House use in perpetuity.</p> <p>The acceptability of the proposed use must be assessed on its long-term implications, rather than its short-term operation under an exemption.</p>
<p>y) any submissions received on the application</p>	<p>The key matters raised in the submissions that are relevant planning considerations have been addressed within this report. A summary of the submissions and the Applicant's response is provided in Attachment 7, with the Administration's response included in Attachment 8.</p> <p>While the number of submissions received for or against the proposal is not, in itself, a determining factor, the substance of the submissions is relevant to the assessment. Objections were received raising concerns relating to amenity impacts, parking, and noise. These matters are discussed in further detail throughout the Consultation section of the report.</p>