

# Interim Planning Directive No. 2

## Exemption and Standards for Visitor Accommodation in Planning Schemes

This Planning Directive has been issued by the Minister for Planning and Local Government under section 12A(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on 1 July 2017<sup>1</sup>.

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<sup>1</sup> 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.

**1.0 Citation**

This planning directive may be cited as Interim Planning Directive No. 2 –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) the *Flinders Planning Scheme 2000*; and
- (c) the *Sullivans Cove Planning Scheme 1997*.

**3.0 Effect of the planning directive**

3.1 For all interim planning schemes to which this planning directive applies:

- (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. 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 use standard for Visitor Accommodation in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone applies:

**Visitor Accommodation**

<b>Objective:</b>	
That Visitor Accommodation:	
<ul style="list-style-type: none"> <li>(a) is of a scale that is compatible with the character and use of the area;</li> <li>(b) does not create an unreasonable loss of privacy; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) guests are accommodated in existing buildings; and</li> <li>(b) has a gross floor area of not more than 300m<sup>2</sup>.</li> </ul>	<p><b>P1</b></p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of privacy to adjoining properties;</li> <li>(b) be of a scale that respects the character and use of the area;</li> <li>(c) not adversely impact the safety and efficiency of the local road network; and</li> <li>(d) not unreasonably disadvantage owners and users of rights of way.</li> </ul>

3.2 For the *Flinders Planning Scheme 2000* to which this planning directive applies:

- (a) Visitor Accommodation use in a dwelling unit is exempt from requiring a planning permit, if:
  - (i) the dwelling unit 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 unit 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 Use Definition for Visitor Accommodation is:
 

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. It includes Guest House and Holiday Cabin or Holiday Flat.

- 3.3 For the *Sullivans Cove Planning Scheme 1997* to which this planning directive applies:
- (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 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) Bed and Breakfast Establishment use and Visitor Accommodation use are 'Permitted' within Activity Area 1.0 Inner City Residential (Wapping), subject to the following:
    - (a) guests are accommodated in existing buildings; and
    - (b) the use has a floor area of not more than 300m<sup>2</sup>.Otherwise 'Discretionary'.

#### **4.0 Application of Standards and planning requirement**

If any provision or requirement in a planning scheme to which this planning directive applies that 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.

#### **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 Interim Planning Directive takes effect on 1 July 2017.