



ITEMS FOR DEBATE – COUNCIL MEETING 9 JUNE 2021

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendation for item 12.3 and the Officer Recommendations for items 14.1, 14.2 and 17.1 be adopted en bloc:

- 12.3 Policy and Legislation Committee - 26/5/2021 - PROPOSED COUNCIL POLICY: MANAGEMENT OF ALLEGED BREACHES OF BEHAVIOUR
- 14.1 LOCAL GOVERNMENT WASTE PLAN - PREPARED AT REQUEST OF DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION
- 14.2 ACKNOWLEDGE WASTE OPTIONS PAPER AND STRATEGIC RECOMMENDATIONS FOR THE REGIONAL ALTERNATE WASTE PROJECT
- 17.1 COUNCILLORS' INFORMATION BULLETIN

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

Item No.	Item Title	Reason
12.2	Policy and Legislation Committee - 26/5/2021 - REVIEW OF VARIOUS LOCAL LAWS	Absolute Majority Required
16.1	ADOPTION OF STRATEGIC COMMUNITY PLAN 2021 – 2031	Absolute Majority Required

<p>Item No. 12.1</p>	<p>Policy and Legislation Committee - 26/5/2021 - HOLIDAY HOME REGULATORY FRAMEWORK REVIEW</p>	<p>Pulled by Cr Cronin <i>Disclosures of</i> <i>Interest –</i> <i>Cr Hick</i> <i>(impartiality)</i> <i>Cr Barrett-Lennard</i> <i>(financial)</i></p>	<p>Page 7</p>
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ALTERNATIVE RECOMMENDATION

That the Council supports a review of the City’s regulatory framework for holiday homes, as follows:

1. Indicates that, subject to further consultation, it intends to implement the following opportunities for change:

(a) Revise standards for the size and design of properties, relative to maximum permissible occupancy numbers, by:

(i) Initially in local planning policy, and subsequently in the Scheme, introduce a maximum occupant restriction for Multiple Dwellings, to be no more than four occupants.

(ii) Initially in local planning policy, and subsequently in the Scheme, introduce further occupant restrictions based on lot size, as follows:

The maximum number of occupants under the ‘Holiday Home (Single House)’ or ‘Holiday Home (Grouped Dwelling)’ use classes in the Residential zone is:

~~i. 10 occupants for lots greater than 350m²; or~~

~~ii. 7 occupants for lots 260m²–350m²; or~~

~~iii. 4 occupants for lots less than 260m².~~

i. 10 occupants for lots 800m² or greater (where there is a minimum of five bedrooms); or

ii. 8 occupants for lots 800m² or greater (where there are fewer than five bedrooms); or

iii. 6 occupants for lots 300m² or greater, but less than 800m²; or

iv. 4 occupants for lots less than 300m².

(b) Revise and introduce new requirements and expectations for managers, by:

(i) Reducing the amount of time in which a manager must respond to any contact relating to the holiday home, from 24 hours to ~~12 hours~~ 2 hours, between the hours of 8am – 8pm (such that a call after 8pm must be responded to by 10am the following morning, any call up to 6pm must be responded to on the same day).

(ii) Introducing a new clause requiring managers to reside within a 30 minute travel time from the holiday home.

(iii) Strengthening and clarifying the conditions of registration, so that the contact details of the manager and the Holiday home registration number are shown on a sign that can be visible from the street.

(iv) Strengthening and clarifying the conditions of registration, so that the manager is required to resolve complaints and ensure compliance at the premises.

- (c) **Introducing requirements and expectations for occupants and their guests, by revising the standard conditions of registration, so that a code of conduct is required that sets out expectations for the management of occupants and the guests of occupants, and requiring managers to communicate the code to the hirer, obtain their acknowledgement, and ensuring the code is clearly displayed within the holiday home.**
 - (d) **Introducing requirements for the management of dogs, by introducing conditions of registration that do not allow dogs to be left unattended at holiday homes.**
 - (e) **Developing a Council Policy to set out how the City intends to implement the Local Law, and to provide guidance to officers and stakeholders.**
 - (f) **Exclude some residential areas from holiday home use, by introducing areas of exclusion as shown in Option 1 – Exclusion Area (Attachment E).**
2. **Undertakes consultation with the community and industry stakeholders regarding the opportunities for change, and any other opportunities that may be identified through consultation.**
 3. **Develops a Directions Paper to assist with consultation.**
 4. **After consultation, will consider a further report setting out:**
 - (a) **the outcomes of the consultation process; and**
 - (b) **more detailed recommendations about what opportunities should be pursued, and how these opportunities should be implemented.**

REASONS FOR ALTERNATIVE

The number of occupants is related to the size of the lot. The aim of this reduction in occupants is to reduce larger numbers of people staying on small lot sizes, where proximity to neighbouring properties are generally a lot closer.

The maximum allowance of 10 occupants being able to stay in a property only if the lot size is 800m² or greater and there are at least five bedrooms (the sizes of which are already monitored during application) is to mitigate anti-social behaviour and the additional burdens that are created through large numbers of occupants, such as car movement, noise, rubbish, water usage and sewage and so on.

The reduction in the hours for a manager to respond being reduced to 2 hours is for reasons of safety and to reduce the concerns of local residents when they need to make a complaint. At 12 hours, this could result in a response being almost, and most probably, 24 hours away, e.g. a manager is contacted at 10:00am, for say a barking dog, if 12 hours' time allowance were in place, it would not be expected that a manager would return the call at 10.00pm and therefore likely that a call from the manager would not be received until the following day.

The inclusion of the registration number at the front of the house; a) shows that the property is legitimately registered and b) reduces mistakes if the house number given in a complaint is incorrect (this could potentially occur where a number of holiday homes are located on the same road).

OFFICER COMMENT

With respect to the first proposed change(s), officers are supportive of the opportunity to reduce occupancy numbers in residential areas, and included proposals of that kind in the officer recommendation. The alternative proposed would be significantly more restrictive than what is contained in the officer and committee recommendations, but may not be unreasonable.

With respect to the second proposed change, officers are supportive of the opportunity to explore a reduction in the required time for a manager to respond to complaints, and are supportive of exploring this opportunity through community consultation. Whether a two hour response time is something that would be seen as reasonable at a State level (it would require local law amendment) is not clear. It is, however, not seen as unreasonable to test that idea through the consultation process – including with the industry itself.

With respect to the third proposed change, officers are supportive of the opportunity to provide manager contact details directly to members of the public, and it is agreed that the provision of a registration number provides for legitimacy of registration and may serve to strengthen the ability to identify a property to which the complaint applies. It is however noted that the State policy direction includes establishing an inter-agency working group, to develop legislative or regulatory mechanisms to require the display for a valid registration number. Should this recommendation produce some sort of tangible outcome, then there may be some confusion in the display of two registration numbers, which are highly likely to be different because of the different requirements from two separate tiers of government.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 22(7) of the *Local Government (Model Code of Conduct) Regulations 2021*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.