



**PRACTICE NOTES
POLICY NO. 17**

**BACKPACKERS' LODGES
IN THE CITY OF PORT PHILLIP**

27 March 2000

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1. INTRODUCTION

Backpackers' lodges have become a feature of the Port Phillip landscape, particularly in the vicinity of the tourist attractions of St Kilda. Backpackers bring welcome economic activity and vitality to the City.

However, for some time there have been concerns expressed by local residents about the impact of these establishments upon their residential amenity. This impact is expressed in the form of parking problems, noise problems - particularly late at night; and behaviour problems, such as littering.

Many of these problems flow from a failure to adhere to the requirements of planning permits issued for backpacker's lodges or from backpackers' lodges which pre-date planning controls.

Another major issue confronting Council is the illegal conversion of dwellings to backpackers' lodges with attendant public health and fire safety problems; and heightened nuisance to neighbours.

The assessment and enforcement activities associated with backpacker's lodges have occupied a range of staff across Council ranging from planners, planning enforcement, building, environmental health and Assist and media liaison staff; not to mention the considerable attention required by Councillors.

There is a need for Council to clearly signal to the community at large its intention to exercise its approval and enforcement functions in a way which balances the competing accommodation needs of backpacker visitors with the reasonable amenity expectations of local residents.

1.1. Council's Objectives for this Practice Note

Council's objectives are to:

- promote high quality, well run backpackers' lodges which maximise the economic benefits of backpacker tourism to the City of Port Phillip in a way which is consistent with the City's established character.
- minimise conflict resulting from unreasonable impacts upon the residential amenity of local residents.
- co-ordinate the various enforcement arms of Council to ensure swift and effective enforcement action against planning scheme, planning permit, building code, nuisance or health regulation breaches.

1.2. Purpose of this Practice Note

The purpose of this Practice Note is:

- to state Council's preferred position regarding the location, characteristics and management of backpackers' lodges in the City of Port Phillip;
- to establish an internal protocol for co-ordinated enforcement action in the event of illegal backpackers' lodge uses; and

- to suggest a range of planning permit conditions which might apply to backpackers' lodges.

1.3. Development of this Practice Note

A Draft Practice Note on Backpackers' Lodges was endorsed by Council at Council's Neighbourhood and Environment Committee on 8 November 1999.

The following community consultation was carried out on the draft:

A Workshop was held on 7 December 1999 at St Kilda Town Hall. The workshop was led by Cr. David Brand and Council staff. Approximately 20 people attended the workshop, with both residents and operators represented.

Letters were sent to some 460 residents and operators, primarily in the St Kilda area advising them of the existence of the Practice Note and inviting them to make submissions. Of those, some 120 people were sent a copy of the draft Practice Note and a further dozen people rang to request copies of the draft Practice Note. Copies of the draft Practice Note were also sent to Council's Environmental Health, Building and Planning staff for comment.

Submissions received at the workshop and in writing related to the following issues:

alcohol, noise, parking requirements, hostel management, clustering, location, enforcement, design, definition issues, illegal operators, amenities for guests.

Legal advice was also sought from Council's solicitors in relation to the example permit conditions contained in the draft Practice Note.

Council considered a report summarising submissions made regarding the draft Practice Note at its meeting on 27 March 2000 and resolved as follows:

- i) That Council endorse the changes to the draft Practice Note, in response to the issues raised in consultation, as detailed at Attachment B.*
- ii) That Council adopts the amended Practice Note for use in the assessment of planning permit applications involving backpackers' lodges.*
- iii) That additional work be undertaken to investigate the preparation of a local planning policy on backpackers' lodges for inclusion in the Port Phillip Planning Scheme.*
- iv) That Council write to the Minister for Planning in relation to definitional problems associated with the current VPP land use terms as they pertain to backpackers' lodges and parking requirements for backpackers' lodges.*
- v) That the policy be amended to include references to no unreasonable noise or justifiable complaints in particular associated with the consumption of alcohol.*

1.4. Application of this Practice Note

In the absence of specific assessment guidelines for backpackers' lodges within the Victoria Planning Provisions, this Practice Note is intended as a guideline:

- To assist applicants in preparing planning permit applications for the use or development of backpackers' lodges within the City of Port Phillip.
- To assist Council in its assessment of planning permit applications for the use or development of backpackers' lodges within the City of Port Phillip.
- To assist residents in their response to planning permit applications for the use or development of backpackers' lodges within the City of Port Phillip.
- To provide guidance to existing operators of backpackers' lodges about the operating standards expected by Council, while recognising existing use rights of those backpackers' lodges (where applicable).
- To make clear Council's determination, without limiting the ambit of its discretion, to take enforcement action, against unlawfully commenced backpackers' lodges and breaches of permit conditions by backpackers' lodges.

1.5. Who are Backpackers?

They tend to be young (18-30 yrs.), well educated, have a preference for independent travel and a desire to explore new destinations such as nightclubs, pubs, wineries, and regional attractions. They avoid the tourist icons such as the penguin parade and Captain Cooks Cottage and use Victoria to have a quality experience (eating out, entertainment, restaurants, regional tourism) compared with backpackers in Sydney who like to party, drink and do a few city tourist trips. They like socialize with other backpackers as well as interacting with the locals. Staying in budget accommodation enables them to exceed their holiday experience (Source: Tourism Victoria).

(Contrary to this Tourism Victoria information, anecdotal evidence from operators of backpackers' lodges at the workshop held in December, suggests that backpackers do indeed enjoy to visit key tourist attractions.)

352,000 backpackers visited Australia in the year ending June 1999. Of these, 151,000 or 43% visited Victoria. However, Victoria's market share of nights spent was only 15%, indicating that backpackers spent shorter stays in Victoria compared with NSW, Queensland and WA. European backpackers comprised the largest group (30%), followed by backpackers from the UK (25%), North America (13%) and Japan (10%).

Their average length of stay in Victoria is 24.1 days, with Asian and Canadian backpackers staying the longest and American and German backpackers staying the shortest periods.

In 1998/99 the average expenditure by backpackers in Victoria of \$1,165.00 and they contributed \$176 million to the Victorian economy.

The National Backpackers Strategy (1995) identified the following characteristics for backpackers:

- preference for budget accommodation
- dominated by international visitors
- participate in adventure and eco-tourist activities
- predominantly in the 20 - 35 year age group
- relatively well educated
- use public transport in preference to private forms.

(Source: Manly Council Development Control Plan for Backpacker Accommodation 1998)

2. PLANNING SCHEME FRAMEWORK

2.1. Port Phillip Planning Scheme Provisions

There are no specific policies within the Port Phillip Planning Scheme pertaining to backpackers' lodges. However, both the State Planning Policy Framework and Council's Municipal Strategic Statement make provision for the development of tourist facilities which are compatible with surrounding land uses.

2.2. State Planning Policy Framework

The State Planning Policy relating to Economic Development makes specific mention of Tourism (Cl. 17.04):

Objective

To encourage tourist development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

General Implementation

Planning and responsible authorities should encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities. Facilities should have access to suitable transport and be compatible with and built upon the assets and qualities of surrounding urban or rural activities and cultural and rural attractions.

2.3. Municipal Strategic Statement

Issue: Residential Land Use, Clause 21.02-1 (relevant extract)

Council seeks to maintain a high level of amenity for residents.

Issue: Tourism, Clause 21.02-5 - (relevant extracts)

Council seeks to achieve:

- *A balance between the needs of local residents and businesses, and the needs of visitors to Port Phillip.*
- *Tourism related land use which makes a contribution to the local community through jobs, investment revenue and infrastructure provision.*
- *A range of facilities which caters for different visitor and resident needs, and which provides access to Port Phillip's attractions.*

How will we achieve it?

- *By encouraging appropriate new attractions in suitable areas and by protecting residential areas from the negative impacts of tourism, such as traffic and parking congestion.*
- *By recognising that Port Phillip's assets play a significant part in the broader tourism industry and by encouraging a range of uses, facilities and activities that enhance the local and State tourism industry.*

2.4. Zoning Controls Over Use

Under the Victoria Planning Provisions defined Land Use Terms, "backpackers' lodge" is not separately defined. However, it is nested within the definition of "Residential Building" under the "Accommodation" group of land use terms.

A "Residential Building" is defined as "Land used to accommodate persons but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm or residential village."

A permit is required for use of land for "Accommodation" within all Residential zones and within the Business 1, 2 and 5 zones. "Accommodation" is a prohibited use within the Business 3 zone and within Industrial zones.

VCAT has clarified the definition of "Backpacker's Lodge" in its determination of an application under Section 149A of the Act lodged by Council. The determination is in response to Application for Review Reference no. P2712/2003, date of order 24 November 2003. Key determinations are that:

- Common interest is not served by recourse to exotic legalism. The fact that some of the criteria or indicia in the "residential hotel" can be found in a "backpacker's" or a "boarding house" does not turn the latter use into a residential hotel. The insertion of a "backpacker's lodge" in the planning scheme would be useless if it had no separate meaning and purpose.
- Once a facility converts all or most of its rooms to shared occupancy by strangers in a room as opposed to private room occupancy, that would change the use from that of a "residential hotel" to that of

“backpacker’s lodge” or “backpacker’s facility”, even if upmarket facilities are provided with it.

2.5. Delegation

All planning permit applications involving backpackers’ lodges are to be decided at Council and not under staff delegation.

2.6. Referrals

All planning permit applications are to be referred to Building Solutions and to Council’s Health and Local Laws unit.

3. PLANNING ISSUES

3.1. General Approach

Council will assess each application for use or development of a backpackers’ lodge on its merits.

3.2. Location

The siting of backpackers’ lodges is a key consideration in their potential for minimisation of adverse amenity impacts upon residential land uses.

Council’s enforcement staff indicate that given the amenity and car parking impacts of many backpackers lodges upon residential uses , they are best located away from residential areas, or in locations where their “active edge” faces major roads.

Council supports proposals for use and development of backpackers’ lodges in the following locations (subject to compliance with other requirements of this Practice Note):

- business zones
- shopping centres
- main roads;

It is noted that where backpackers’ lodges are sited to away from residential areas, potential problems of land use conflict can be avoided.

Where a proposed backpacker’s lodge is sited to adjoin a residential area, it is desirable that the number of abutments with residential properties be minimised where possible.

The onus is on the applicant to demonstrate to the satisfaction of the responsible authority that the proposed backpacker’s lodge will not adversely impact upon the amenity of residents - by virtue of noise, hours of operation, littering or car parking overflow to residential streets. This can be effectively

controlled in many instances through suitable design, management planning and compliance with planning permit requirements.

It is also advantageous for both operators and Council if a backpackers' lodge can be sited away from residential areas as the requirement for a "battery" of permit conditions which are difficult to supervise and enforce can be reduced, where residential amenity is not under threat. This point was made by the Victorian Civil and Administrative Tribunal in a recent decision.

In its decision in relation to an application for cancellation of a permit for a Backpackers' Hostel in the Rural City of Mildura v Costa, handed down on 5 November 1999 (Appeal No. 1999/38961), the Tribunal made the following relevant observations:

Management needs to be firm internally and sensitive externally, that is to say, to the needs and reasonable aspirations of the neighbours who are entitled to a relatively peaceful and quiet existence as befits a residential neighbourhood of high standard.

There comes a time in these matters when, in considering the imposition of numerous conditions on a planning permit, the question must be asked whether or not the burden to be cast on enforcement agencies is so overwhelming that the grant of a permit is simply inappropriate. That, the Tribunal believes, is the case here

In certain situations, the existence of an undesirable concentration of similar land uses may occur. Where an undesirable concentration of land uses exists within a locality, the marginally-increased adverse impacts of each new addition to that land use, which might in isolation be considered to be moderate, are unacceptable when considered in the context of the totality of adverse impacts of similar land uses upon the vicinity.

Undesirable concentration, in the context of this Practice Note, is defined to be the aggregation of backpackers' lodges in such numbers as to collectively produce unacceptable impacts upon any or all of the following: residential amenity, parking availability, traffic congestion and/or urban character

Council is concerned with the exacerbation of any undesirable concentrations of backpacker's lodges and their consequent adverse impacts upon residential amenity, parking availability, traffic congestion and/or urban character. In a recent planning appeal decision concerning Jackson Street, St Kilda, the Victorian Civil and Administrative Tribunal stated the following:

One of the issues in this Application for Review is whether clustering of backpackers hostels is unacceptable having regard to nearby residential uses. I consider there must come a time when incremental increases in backpackers hostels in an area will lead to undesirable amenity impacts.

(H Novak v City of Port Phillip, VCAT application no. 1999/45002 dated 25 August 1999).

3.3. Management

Effective management of backpackers' lodges is considered by Council to be the most critical factor in the minimisation of adverse off-site amenity impacts of backpackers' lodge operation.

This view has been re-affirmed by the Victorian Civil and Administrative Tribunal in the appeal already cited above, in which the Tribunal stated the following:

In its decision in relation to an application for cancellation of a permit for a Backpackers' Hostel in the, the Tribunal made the following relevant observations:

To the extent that management and proper supervision are critical aspects of this proposal, the Tribunal agrees with the evidence of both Mr. Borelli and Mr. Whitney. Management needs to be firm internally and sensitive externally, that is to say, to the needs and reasonable aspirations of the neighbours who are entitled to a relatively peaceful and quiet existence as befits a residential neighbourhood of high standard. (Rural City of Mildura v Costa, 5 November 1999 (Appeal No. 1999/38961)

Enforcement staff have indicated that in many instances, amenity impacts flow from a lack of adequate or continuous management/supervision of the premises. This may sometimes occur in situations where backpackers act as duty managers in return for reduced or free accommodation, resulting in a conflict of interest between the demands of management and the interests of peers.

Council considers that the following are essential to the effective management of backpackers' lodges for guests, nearby residents and management alike.:

- Presence of a duty manager on the premises at all times.
- The duty manager shall be an employee of the operator and not a guest (to avoid obstacles to effective management as a result of problems with peer pressure).
- The existence of a management plan for the effective operation of the backpackers' lodge.

The following are considered to be essential ingredients of a backpackers' lodge management plan:

- a) Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
- b) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns.
- c) Standards for property maintenance, health and cleanliness.
- d) Security against thefts and break-ins, including security of guests' belongings.

- e) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
- f) Establishment of house rules regarding:
 - i) guest behaviour
 - ii) noise
 - iii) alcohol consumption
 - iv) parking in adjacent streets

Council will require a management plan to be submitted with all planning permit applications involving backpackers' lodges.

The Council will also place a condition on any planning permit that a Manager responsible for the conduct of patrons must be on the premises at all times, which Manager shall be an employee of the operator and not a guest.

3.4. Car Parking

The Port Phillip Planning Scheme requires car parking to be provided for a "Residential Building" at a rate of 1 space per lodging room. This requirement is a standard one which applies across all planning schemes prepared under the Victoria Planning Provisions.

Documents from councils elsewhere suggest various parking requirements (Refer Appendix 2):

Clause 52.06 of the Port Phillip Planning Scheme places the onus upon the applicant to demonstrate that a reduction or waiver of the standard car parking requirement should be allowed.

This onus was reinforced in a recent decision of the Victorian Civil and Administrative Tribunal (H Novak v City of Port Phillip, VCAT application no. 1999/45002 dated 25 August 1999). (Refer to Appendix 2).

Council will not waive or reduce the Planning Scheme car parking requirement applying to backpackers' lodges, unless the applicant has demonstrated through submission by a suitably qualified expert, to the satisfaction of Council, that that such a waiver or reduction of parking requirement is justified.

Where applicable, Council may, at its discretion, take into account car parking credits arising from previous use when determining the car parking requirement for a backpackers' lodge.

3.5. Alcohol Consumption

Council does not support the consumption of alcohol within backpackers lodges where such consumption will lead to unreasonable adverse off-site amenity impacts upon surrounding residential areas.

Clause 52.27 of the Port Phillip Planning Scheme states that: “a permit is required to use land to sell or consume alcohol if any of the following apply:

- A licence is required under the Liquor Control Act 1987.
- A different licence, or class of licence is required from that which is in force.
- The hours of trading allowed under any licence are to be extended.”

Council will only consider a planning permit for a liquor licence in respect of a backpackers' lodge, where the applicant can demonstrate to Council's satisfaction that arrangements for consumption of alcohol on the premises are such that there is no potential for unreasonable off-site amenity impacts arising from such consumption.

Examples of suitable arrangements for the consumption of alcohol might include:

- prohibition of alcohol consumption in areas external to a building where there is a residential interface.
- Noise proofing of internal rooms used for alcohol consumption.
- A limit on the permissible hours for alcohol consumption.

3.6. Noise

Noise problems often arise where a building which has been designed for another purpose is adapted for use as a backpackers lodge. As a result, there may be a lack of sound attenuation, poor location of private open space areas and poor orientation relative to nearby sensitive residential uses.

Noise complaints may also be generated in residential streets, where backpackers gather, or come and go late at night or into the early hours of the morning.

Noise complaints as a result of vehicles, including mini buses picking up and dropping off backpackers at various times, as part of a service taking them to and from transport centres and other tourist destinations.

The City of Port Phillip will closely assess likely noise impacts associated with any application for a backpackers' lodge. Applicants are advised to minimise noise impacts upon adjoining residential uses.

The Council will place a condition on any planning permit that no noise nuisance is allowed (complying with E.P.A. Standards) and that no amplified sound is permitted without approval.

3.7. Appropriate Facilities

Inadequate internal provision for guest facilities in backpackers lodges, such as kitchen/dining areas, living rooms, laundry/drying areas, and waste disposal results in "spillover effects" as those entertainment, laundry drying and waste disposal functions which would normally be internalised are forced outside of the premises, with consequent adverse impacts upon surrounding land uses.

A yardstick for size of kitchen and dining facilities in backpackers' lodges suggest that they should be adequate to allow 15 to 20 per cent of the total number of guests to prepare meals at any one time. The suggested area requirement for combined kitchen/dining rooms under those guidelines is 1 m² per person based on the total number of guests.

Council, in its assessment will pay special regard to the internal layout of facilities to ensure that they serve the needs of guests.

3.8. Open Space

Adequate open space areas are to be provided for the enjoyment of guests. Open space areas are to be positioned and visually and acoustically screened to ensure that the amenity of guests and nearby residents is not adversely affected by use of the open space area.

Council will also consider restricting the hours of use for open space areas in order to limit adverse off-site impacts.

4. BUILDING REQUIREMENTS

All applications for planning permits involving Backpackers' lodges will be referred to Building Solutions for comment.

Council will impose a standard requirement upon any planning permit involving a backpackers' lodge to the effect that:

The *use/development (as applicable)* hereby permitted shall not commence until the building complies with the fire safety and other requirements of the Building Code of Australia 1996, the Building Act 1993 and the Building Regulations 1994 to the satisfaction of the responsible authority.

An occupancy permit is required under the regulatory framework for building prior to commencement of use of a backpackers' lodge.

The regulatory framework for building sets down requirements in relation to the following areas:

- use/occupancy type,
- structural matters - including both alterations and new work
- fire safety - resistance, access/egress, equipment
- disabled access
- kitchens

- bathrooms
- toilets
- lighting/ventilation
- demolition

5. HEALTH REQUIREMENTS

All applications for planning permits involving Backpackers' lodges will be referred to Council's Environmental Health unit for comment.

Council will impose a standard requirement upon any planning permit involving a backpackers' lodge to the effect that:

The *use/development (as applicable)* hereby permitted shall not commence until the requirements of the Health Act 1958 and the Health (Prescribed Accommodation) Regulations 2001 are met in relation to registration, number of occupants, number of beds and provision of toilets, showers, basins and bathrooms to the satisfaction of the responsible authority.

A Certificate of Registration is required under the Health Act 1958 along with compliance with the Health (Prescribed Accommodation) Regulations 1990 to operate a backpackers' lodge. Kitchen and food preparation areas used for the sale of food to guests require a Certificate of Registration under the Food Act 1984.

Health Regulations stipulate a maximum number of occupants according to the size of each lodging room. This information is tabulated below:

For accommodation for a period of 14 days or less, the maximum number of persons per bedroom is calculated as follows:

Less than 10m² but greater than 7.5m²	12m²	Greater than 12m²
2 persons	3 persons	1 person per additional 2m ²

If the period of stay exceeded 14 days, more stringent space requirements exist.

The regulations also dictate the number of toilet and bathing facilities which are required for a given number of occupants.

At least one toilet, one bath and one wash basin must be provided for every 8 persons or fraction thereof. If only one toilet is provided for use by both sexes, it must not be located in a bathroom unless the bathroom is in or attached to a bedroom for the exclusive use of the person or persons occupying the bedroom.

6. ENFORCEMENT STRATEGY

The regulation of unlawful backpackers lodges presents an enforcement challenge to Council because the legislative framework cuts across three functional areas (planning and planning enforcement, building and health).

Council recognises that past problems with unlawful backpackers' lodges or with planning permit compliance, have led to significant amenity impacts on surrounding residents. These enforcement problems have often been difficult to address and have taken up considerable staff and Councillor time and legal expenditure.

In considering how to proceed in responding to an alleged non-compliance, Council will inter alia have regard to the seriousness of the impact of the alleged non-compliance and the history of performance of the backpackers' lodge.

This Practice Note does not limit Council's discretion to take any or all enforcement measures deemed appropriate in responding to an alleged non-compliance by a backpackers' lodge.

Council's response to alleged non-compliance by backpackers' lodges may comprise any or all of the following elements:

1. All complaints about an illegal use or permit non-compliance involving a backpackers' lodge will be registered.
2. Upon receipt of a justifiable complaint about an illegal use or permit non-compliance involving a backpackers' lodge, relevant staff in planning, planning enforcement, building and health will take co-ordinated action.
3. Council staff will investigate justifiable complaints by meeting with the complainant and with the operator/manager of the backpackers lodge and will seek to resolve the problem informally.
4. If the problem is more difficult to resolve and there is goodwill between the parties and a willingness to participate, Council may refer the matter to an independent mediator for resolution.
5. Where Council considers that the circumstances warrant it, Council will proceed with formal enforcement action. Council will seek interim enforcement orders, where an enforcement proceeding is likely to be protracted.
6. Council will *widely* publicise any successful enforcement action.

APPENDIX 1 - EXAMPLE PERMIT CONDITIONS FOR BACKPACKER'S LODGES

The following example conditions for backpackers' lodges are suggested in addition to the normal standard conditions applied by Council and any special conditions which might be required by the circumstances of an application.

Please note: Suggested permit conditions are to be applied as appropriate in response to the characteristics of an individual application, rather than arbitrarily applied as a suite of conditions. This does not suggest that there will not be some instances where application of most or all of the suggested conditions is appropriate.

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Requirement for Manager

There shall be on the premises at all times while they are being used for the purpose hereby permitted, a person over the age of 18 years responsible for the good conduct of the residents and compliance with these conditions (hereinafter referred to as "the Manager").

Compliance with Health Regulations

The *use/development (as applicable)* hereby permitted shall not commence until the requirements of the Health Act 1958 and the Health (Prescribed Accommodation) Regulations 2001 are met in relation to registration, number of occupants, number of beds and provision of toilets, showers, basins and bathrooms to the satisfaction of the responsible authority.

Compliance with Building Requirements

The *use/development (as applicable)* hereby permitted shall not commence until the building complies with the fire safety and other requirements of the Building Code of Australia 1996, the Building Act 1993 and the Building Regulations 1994 to the satisfaction of the responsible authority.

Restriction on Parking on Street

No vehicles associated with the use hereby permitted shall be parked in

General Amenity

The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to or from the land.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, dust, waste water or waste products.
- d) Presence of vermin.
- e) In any other way.

Amplified Sound Not to be Audible Outside Premises

No sound amplification equipment, juke boxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes (so as to be audible outside the premises) save with the written permission of the responsible authority.

Not to Cause Noise Nuisance

All noise emitted from the site shall comply with the provisions of any noise emission policy under the Environment Protection Act.

Refuse Disposal

No bins or other receptacles for any form of rubbish or refuse shall be placed or allowed to remain in view of the public and no odour shall be emitted from any receptacles so as to cause offence to persons outside the premises.

Advertising Signs

No notice, sign, advertisement or the like. Other than as specified below, subject to the approval of the Responsible Authority, shall be displayed on the site or attached to the building:

- a) any sign complying with the Outdoor Advertising policy adopted for the time being by the Responsible Authority
- b) any sign complying with the requirements of the Port Phillip Planning Scheme

After Hours Use of Outside Areas

No areas external to the building (including balconies) shall be used by residents of the premises between 11.00pm and 8.00am the following morning except to gain access to the premises.

Prohibition on Alcohol

No alcohol shall be consumed on the premises and any alcohol observed by the Manager, the Manager's staff or the Caretaker (if any) to be brought onto the premises shall be taken into the custody of and retained by the Manager in storage and returned to the patron upon departure.

Permit to be Prominently Displayed

A copy of this permit shall be displayed at all times in a prominent location within the premises to the satisfaction of the responsible authority.

After Hours Access

Access arrangements for access to the premises after 11.00pm shall ensure that such access does not detrimentally impact upon the amenity of residents in the immediate area of the premises.

Prohibition on Organised Parties

No organised parties or functions shall occur on the premises.

No Littering

No littering of the premises shall be permitted.

Complaints Hotline

There shall be available at all times for the use of residents in the vicinity of the premises a telephone number or numbers ("the Hotline") so that they can call to register any complaint or comment about the operation of the premises or the conduct of the patrons. This Hotline shall be staffed at all times. A permanent register of all calls to this Hotline shall be maintained which register shall be available at all times for inspection by the Responsible Authority."

Vehicle Areas to be Used for No Other Purpose

The area set aside for car parking, associated accessways and vehicle crossovers as shown on the endorsed plan shall be used for no other purpose.

Car Parking Requirement

Not less than **xxxx (x)** car parking spaces shall be provided on site, which shall be available for this use at all times, of which **yyyy (y)** car parking spaces shall be available for the exclusive use of patrons of the premises.

Additional Parking Required by Additional Beds

Prior to the occupation of any of the additional beds hereby permitted, **xxxx** spaces, in fee simple, shall be made available for the exclusive use of occupants of the backpackers' hostel. None of the beds hereby permitted may be used unless there is available at all times for the exclusive use of occupants, **xxxx** spaces located to the satisfaction of the responsible authority provided that the responsible authority may, by notice in writing given before completion of the development hereby permitted, require in lieu of the provision of car parking spaces as aforesaid that the owner pay to the responsible authority cash as an amount satisfactory to the responsible authority.

APPENDIX 2- CAR PARKING

Car Parking Requirements of Other Councils for Backpackers' Lodges

RATE	DOCUMENT
1 space per 10 to 20 beds (non-CBD)	"A Guide to Developing or Extending Backpacker Accommodation in the City of Melbourne"
1 space per 3-4 persons	City of Fremantle Backpacker Accommodation Policy
1 space per 10 guests, plus 1 space per manager/employee on site at any one time, plus 1 space for the disabled.	Manly Council Development Control Plan for Backpacker Accommodation 1998

Extract from Victorian Civil and Administrative Tribunal decision (H Novak v City of Port Phillip, VCAT application no. 1999/45002 dated 25 August 1999).

I consider that what was put for Applicant for Review/Permit Applicant concerning demand for car spaces was unsatisfactory. The Responsible Authority on more than one occasion when considering the permit application requested information which was not provided, and the only evidence regarding parking was by Mr Novak, the Manager of the premises, and the son of the Applicant for Review/Permit Applicant.

....Clause 52.06-1 also sets out decision guidelines which provide that before a requirement for car spaces is reduced or waived, the applicant must satisfy the Responsible Authority that the reduced provision is justified due to factors that are set out. There was little or no attempt on behalf of the Applicant for Review/Permit Applicant to establish that the requirement for car spaces should be reduced, having regard to those decision guidelines. I do not consider that it is adequate in this respect to rely on previous Tribunal decisions. It would be more appropriate to have independent evidence, which could assess whether or not what was set out as reasonable in those previous decisions has been shown to be reasonable from experience.

APPENDIX 3 - SITE SELECTION & DESIGN CHECKLIST FOR BACKPACKERS' LODGES

Question		Yes	No
1.	Is the site located away from a residential area?		
2.	If not, does the site minimise abutments to residential properties?		
3.	Will the use of this site as a backpacker's lodge contribute to an undesirable concentration of backpackers' lodges in the locality?		
4.	Are external movement corridors (e.g. entrance ways, paths) located away from boundaries with residential properties?		
5.	Are external entertainment areas (e.g. courtyard areas, balconies) sited away from residential properties?		
6.	If no, are screening and acoustic measures proposed to ensure the visual and acoustic privacy of adjoining residential properties?		
7.	Is adequate car parking provided on site (in accordance with Planning Scheme requirement of 1 space per lodging room)?		
8.	If not, is a submission from a suitably qualified expert provided in support of your application?		
9.	Are access aisles and on-site parking areas located away from boundaries with residential properties?		
10.	Are adequate communal areas provided within the premises for the enjoyment of guests - lounge, dining room areas		
11.	Are these areas appropriately sited or sound-proofed to prevent noise impacts on nearby residential uses?		
12.	Are laundry and clothes drying areas provided within the premises?		
13.	Are clothes drying areas screened from public areas or residential properties?		
14.	Does the provision of toilets, showers, basins and bathrooms relative to the number guests comply with the Health Act 1958 and the Health (Prescribed Accommodation_ Regulations 1990?		
15.	Does the number of occupants per room relative to room area comply with the Health Act 1958 and the Health (Prescribed Accommodation_ Regulations 1990?		
16.	Does the building comply with the fire safety requirements of the Building Code of Australia?		

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17.	If no, is it possible to modify the building so as to comply with the fire safety requirements of the Building Code of Australia?		
18.	Are adequate garbage disposal storage areas provided?		
19.	Are garbage disposal storage areas screened and located so as to minimise adverse amenity impact on adjoining residential properties and the streetscape?		
20.	Has adequate provision been made in the design of the backpackers' lodge for the presence of a manager on the premises at all times?		

Definition:

- “(i) Type of occupant: transient short term customers;
- (ii) Accommodation primarily for travellers;
- (iii) Marketing of premises from monthly lets to nightly lets wherever possible;
- (iv) The seasonal nature of the business, with the emphasis on filling the rooms with short term customers as much of the year as possible;
- (v) Increase in the numbers of persons able to be accommodated in each room by the use of bunk beds and communal sleeping arrangements, **sharing of room by strangers**;
- (vi) Marketing of the premises to tourists and travellers through advertising;
- (vii) Promotion of social nights and the collection of travellers from the city bus depot.”.

BACKPACKERS LIST

List from TNT Book

ADDRESS:	30 Burnett Street, St Kilda
NAME:	St Kilda Backpackers Accommodation
PHONE:	9534 7203

ADDRESS:	115 Cecil Street, South Melbourne
NAME:	Nomads Market Inn
PHONE:	1800 819 883

ADDRESS:	38 Grey Street, St Kilda
NAME:	The Oslo Hotel
PHONE:	9525 4498

ADDRESS:	56 Jackson Street, St Kilda
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NAME:	Kookaburra Backpackers
PHONE:	9534 5457

ADDRESS:	2 Enfield Street, St Kilda
NAME:	Enfield House
PHONE:	9534 8159

ADDRESS:	60 Jackson Street, St Kilda
NAME:	Jackson Street Backpackers
PHONE:	9593 9420

ADDRESS:	27 Grey Street, St Kilda
NAME:	Leopard House

ADDRESS:	24 Grey Street, St Kilda
NAME:	Coffee Palace Backpackers
PHONE:	9534 2003

ADDRESS:	102 Canterbury Road, Middle Park
NAME:	Middle Park Hotel
PHONE:	9690 1882

ADDRESS:	169 Fitzroy Street, St Kilda
NAME:	The Ritz Backpackers
PHONE:	9525 3501

ADDRESS:	63 Fitzroy Street, St Kilda
NAME:	Bayside Motel
PHONE:	9525 3833

ADDRESS:	96 Barkly Street, St Kilda
NAME:	Olembia Beachside
PHONE:	9537 1412

ADDRESS:	363 Beaconsfield Parade, St Kilda
NAME:	Warwick Beachside
PHONE:	9525 4800

ADDRESS:	8/2B Hawsleigh Avenue, St Kilda
	30 Blessington Street, St Kilda
	10 Jackson Street, St Kilda
	8/55 Jackson Street, St Kilda
	30 BURNETT ST, ST KILDA