

LOCAL PLANNING POLICY 26.0 – Holiday Homes

1.0 Background

- 1.1 Holiday homes are a component of the short stay accommodation sector in Western Australia and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations within the State. Over the past decade a growing number of holiday homes have been made commercially available, resulting in an increasing trend to purchase or build homes for holiday home use.
- 1.2 The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The issue of impact on neighbouring residential amenity has caused particular concern in the community.
- 1.3 In response to these issues the Western Australian Planning Commission prepared Planning Bulletin 99 - Holiday Homes Guidelines. One conclusion of this bulletin was that local governments are encouraged to develop a local planning policy dealing with holiday homes.

2.0 Application

- 2.1 The policy applies to all zones under the Town Planning Scheme within which holiday accommodation (referred to in this policy as holiday homes) is an AA or SA use.
- 2.2 It is acknowledged that any planning consent granted for holiday homes prior to the adoption of this Policy does not require the approval requirements under Section 6.4 of this Policy to be met. However, the Shire encourages all holiday home owners who obtained planning consent prior to the adoption of this policy to implement the approval requirements under Section 6.4 of the Policy to respond to the market expectations of visitors utilising holiday home accommodation.
- 2.3 This policy only applies to holiday homes that are being available for short stay rental purposes. Holiday homes utilised for personal use are excluded from this policy.

3.0 Definitions

In this policy, the following definitions apply:

- **Holiday home (standard)** means a single house (excluding ancillary accommodation), which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).
- **Holiday Home (large)** means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.
- **Short Stay** means that no person is to stay for more than three months in any 12 month period.
- **Holiday Home Accreditation Agency** means the Tourism Council of Western Australia.

- **Town Planning Scheme (TPS)** means the Shire of Waroona Town Planning Scheme No. 7 1996.

4.0 Objectives

- a) To recognise the increasing market demand for holiday homes within the Shire of Waroona and to provide operators and other stakeholders with clarity on the issues that Council wishes to address.
- b) To encourage holiday homes in residential dwellings in appropriate zones and locations where the proponent addresses relevant issues and suitably manages the use on an ongoing basis.
- c) To ensure that these types of uses do not compromise the amenity of residential areas or nearby residents.
- d) Encourage operators to abide by recognised best practice, relevant legislation and this policy.
- e) To support the role of holiday homes as part of the tourism industry.

5.0 Legal Status/Considerations

- 5.1 This Policy has been adopted in accordance with Clause 2.4 of the Town Planning Scheme.

6.0 Special Procedural Considerations

- 6.1 Applications for planning approval for holiday homes shall be determined in accordance with the provisions contained within this policy.

7.0 Policy Statement

7.1 Locations for Holiday Homes

- 7.1.1 Holiday homes may only be located in suitable locations as identified by the Town Planning Scheme and the Local Planning Strategy. Holiday Homes will not be considered in any other location.

7.2 Community Consultation

- 7.2.1 All applications for planning approval for the establishment of new Holiday Homes will be the subject of a process of community consultation in accordance with clause 8.2.2 of the Town Planning Scheme and Local Planning Policy 1.0 – Community Consultation.

7.3 Approval Requirements

- 7.3.1 Holiday homes (standard) are restricted to a maximum number of 6 guests.
- 7.3.2 Holiday homes accommodating more than 6 people will be considered to be a Holiday Home (Large).
- 7.3.3 A minimum of two car parking bays for holiday homes (standard) proposing to utilise more than 2 bedrooms shall be provided on-site. In the case of a holiday home (large) a minimum of three car parking bays will be required. All car parking is to be contained on-site and no verge area should be used for car parking.
- 7.3.4 All proposed holiday homes on Rural or Rural Residential blocks must include provisions for the storage of water in tanks of not less than 92,000 litres capacity unless satisfactory proof is provided that arrangements for connection to a Water Corporation reticulated water supply service has been made.
- 7.3.5 In the event that a proposed holiday home does not have access to Council waste collection services, a Waste Management Plan, detailing how waste shall be disposed of, will be required as part of the application.
- 7.3.6 Details of the current septic system shall be submitted as part of the application. The application will be referred to the Shire of Waroona Environmental Health Department and an upgrade to the septics may be required.
- 7.3.7 A Property Management Plan shall be prepared to the satisfaction of Council and shall be required to be submitted as part of the planning application. The Property Management Plan shall detail the following:
- Details of an agreement with a manager / caretaker or management company which lists their responsibility and shall include but not be limited to, matter such as maintenance and cleaning. The manager or Management Company shall be accessible twenty four hours a day, seven days a week and located within one (1) hour response time of the property.
 - Code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour.
 - Details of how nuisance issues such as noise will be addressed by the manager.
- In the case of an established permitted holiday home, the owner is encouraged to prepare a property management plan.
- 7.3.8 As part of any approval for a holiday home, Council shall condition that the following information be displayed in the holiday home:
- Annual Registration Certificate.
 - Caretaker/manager or Management Company and its contact details.
 - Emergency contact details.
 - Code of Conduct.
 - Fire and Emergency Response Plan (If available)

7.4 Fire and Emergency

7.4.1 The owner is encouraged to prepare a Fire and Emergency Plan as part of the planning application. The Fire and Emergency Plan may include the provision of the following fire safety measures:

- Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms.
- Outside barbeques to be gas or electric.
- Emergency Evacuation Plan.
- Access to water supply.

Advice note - Under Division three (3) of the Building Regulations (2012) rental properties are required to have mains powered smoke alarms. In dwellings where the construction of the building does not permit a space to conceal the wiring or where no mains power is available, smoke alarms with a 10 year battery life are permitted.

7.5 Holiday Homes Register

7.5.1 Council will maintain a holiday homes register. The register will provide information on the owner and/or manager, property address, number of beds, car parking spaces and expiry / renewal date.

7.5.2 At the time of annual registration, formally non renewed approvals and houses that are no longer are available for holiday homes purposes will be removed from the holiday homes register.

7.6 Voluntary Accreditation

7.6.1 Holiday home owners are encouraged to become a member of a suitable holiday home accreditation agency.

7.7 Illegal Holiday Homes

7.7.1 Council will allow current owner operators up to 12 months, after this Planning Policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the regulatory measures of this Policy.

7.7.2 Where a holiday home is found to operate illegally after the initial 12 month period noted above (without Planning Consent), the Shire will take the necessary legal steps to ensure that the operation of the holiday home ceases until a Planning Consent has been granted.

7.8 Approval Period and Renewal of Holiday Homes

7.8.1 All initial planning approvals for holiday homes, including renewals of approvals granted under prior to this policy, shall be granted for a one year period unless Council determines otherwise. Such approvals may be renewed in the form of a new application made at least 6 weeks prior to the expiration of the initial approval.

- 7.8.2 Holiday homes shall be required to renew annually (financial year). The annual renewal fee will be in accordance with Council's fee and charges as outlined on Council's website. The renewal shall be issued following an inspection of the site and dwelling by Council.
- 7.8.3 In determining an application for renewal, Council will consider the nature and validity of complaints (if any) made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area.

Adoption / Amendments

Draft:

Final: **OCM12/06/070**

Amendment/s: