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| Policy No 8.13 | Adopted -  | Amended -  |

8.13 Holiday Homes

1. **INTRODUCTION**

This Policy provides direction and guidance on the use of Single Houses, Grouped Dwellings or Multiple Dwellings for “Holiday Homes” and “Holiday Homes (Large)” in **Residential zoned areas of Cervantes and Jurien Bay in the Shire of Dandaragan**. This Policy intends to help protect consumers, support the local tourism industry and avoid conflict between holiday users and permanent residents through the use of development approvals and registration.

1. **BACKGROUND**

Holiday Homes are private residential dwellings that are commercially leased out for short term accommodation for a period not exceeding three (3) months. Holiday Homes have long been an important part of local and Western Australian lifestyle and culture.

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 and insurance environment, issues of fire safety and increased potential for land use conflict. Community concerns about Holiday homes often relate to the behaviour of tenants, rather than being associated with the use per se. In addition there has been concern that some Holiday Homes are not maintained to a satisfactory standard, which in turn reflects negatively on the Shire’s tourism industry. The Shire’s Local Tourism Planning Strategy recommended a Local Planning Policy (this Policy) on Holiday Homes be adopted by Council for these above reasons.

1. **STATUTORY BASIS**

Pursuant to the Shire’s *Local Planning Scheme No.7*, the use of a Residential zoned property as a commercial Holiday Home is a discretionary (D) use. Whereby, the local government must exercise discretion in granting development approval. This Local Planning Policy outlines the planning requirements for Holiday Home operators and provides clear delegation to staff to approve planning applications based on compliance with the Policy standards.

The ability to prepare a Local Planning Policy is afforded to the Shire under the clause 3 of the Deemed Provisions of the Scheme. Clause 3 outlines the Shire can prepare policies in respect to any matter related to the planning and development of the Shire. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under the Scheme.

1. **OBJECTIVES**
	1. To recognise the increasing market demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the local government wishes to address.
	2. To establish clear guidelines whereby Holiday Homes can be permitted and controlled in **Residential zoned areas of Cervantes and Jurien Bay**.
	3. To encourage the development of Holiday Homes in areas of high tourist amenity and attraction and in proximity to relevant services.
	4. To ensure that these types of uses do not comprise the amenity of Residential zoned areas or nearby residents.
	5. To support the role of Holiday Homes as part of the tourism industry.
	6. To encourage the provision of good quality, well managed Holiday Homes.
2. **DEFINITIONS**

**“Holiday Home”** means a single house which might also be used from time to time for short stay accommodation for no more than six (6) 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” with the exception that the premises provide short stay accommodation for more than 6 people but not more than 12 at any one time.

**“Grouped Dwelling”** means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate.

**“Multiple Dwelling”** means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a group dwelling.

**“Short-Stay Accommodation”** means a building or group of buildings forming a complex, designed for the Accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period.

**“Single House”** means a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access to services and excludes dwellings on titles with areas held in common property.

1. **POLICY STATEMENT**
	1. This Policy is applicable to all land zoned **“Residential” under the Shire’s Local Planning Scheme No. 7 within Cervantes and Jurien Bay and all land within Special Development Area 1 (Residential).**
	2. **This policy only applies to Holiday Homes that are made available for the commercial booking of short stay rental purposes. This includes entire homes listed on peer to peer online organisations. Holiday Homes utilised for personal use by friends and / or family of the landowner(s) are excluded from this Policy.**
	3. Applicants wishing to utilise their Residential zoned property for a Holiday Home will need to apply for planning approval in accordance with the Zoning Table of the Shire’s *Local Planning Scheme No. 7*.
	4. Applications for planning approval for Holiday Homes will be advertised in accordance with the Shire’s Local Planning Scheme No. 7. Comments received during the advertisement process will be considered in the assessment of the application.
	5. All planning approvals for Holiday Home or Holiday Home (Large) shall expire on 31 July each year. Invoices for the annual renewal fees of planning approval will be mailed to applicants on 1 July each year. For successful renewal, invoices for fees are required to be paid before the 31 July expiry date. The first annual renewal fees will be waived for a Holiday Home or Holiday Home (Large) which receives initial planning approval within six (6) months of 31 July in the same calendar year.
	6. The use of Residential zoned Grouped or Multiple Dwellings will generally not be supported for Holiday Home accommodation given the potential impacts on adjoining residents, unless all neighbouring landowners and Council are in agreement the impacts will be minimised.
	7. Planning approval does not affect the existing and future use of the Holiday Home or Holiday Home (Large) as a Single House, Grouped Dwelling or Multiple Dwelling.
	8. The annual renewal fee payable shall include a charge for:
		1. the renewal of planning approval at a maximum 50% of the initial application fee pursuant to the *Planning and Development Regulations 2009 Part 7 Division 2*; and
		2. the health inspection at the Council adopted budget amount for the given financial year in which the renewal occurs.
	9. **Applicants are advised planning approval for a Holiday Home or Holiday Home (Large) will have no effect on property rates.** Property rates are solely based on the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land.
	10. Both a Holiday Home and Holiday Home (Large) shall meet the health requirements of Part 8 – Lodging Houses of the *Shire of Dandaragan* *Health Local Laws* *2005* and Division 2 – Lodging-houses of the *Health (Miscellaneous Provisions) Act 1911* irrespective of number of people they may accommodate. The Shire’s Environmental Health Officer will conduct annual inspections of approved Holiday Homes in accordance with this legislation.

*Note: should there be any conflict between this Policy and the Shire of Dandaragan Local Planning Scheme No. 7; the Local Planning Scheme shall prevail.*

1. **CONDITIONS OF APPROVAL**
	1. All applications will be assessed and evaluated for suitability in accordance with this Policy and any other legislation and policies reasonably related to the planning application.
	2. The operation of the Holiday Home or Holiday Home (Large) does not result in adverse impacts on the amenity of neighbouring properties or the surrounding area.
	3. The Shire should be notified of any changes to a Holiday Home or Holiday Home (Large) that may be deemed to affect the approval of the dwelling(s) for such a use.
	4. The total number of people to be accommodated in the proposal for a Holiday Home does not exceed 6 people.
	5. The total number of people to be accommodated in the proposal for a Holiday Home (Large) exceeds 6 people, but does not exceed 12.
	6. All car parking is to be contained on-site and no verge area should be used for car parking. A minimum of 2 car parking bays are required for a Holiday Home and a minimum of 3 car parking bays for a Holiday Home (Large). Further access infrastructure such as driveway conditions and additional parking space for a boat, trailer, caravan etc. shall be assessed on a case by case basis with individual specific requirements and / or allowances stated as conditions of planning approval.
	7. A Holiday Home management plan, code of conduct and fire and emergency plan is required to be submitted as part of the application for planning approval. These forms listed in Schedule 1 of this policy are to be provided to applicants in conjunction with the application form for planning approval. Shall planning approval be granted by the Shire these formal documents shall be displayed within the approved premises at all times.
	8. The applicant shall supply any other information requested by the Shire that is reasonably related to the application for planning approval for a Holiday Home or Holiday Home (Large). e.g. Details of the subject residence’s septic system may be required to be submitted as part of the application for planning approval which would be referred to the Shire’s Environmental Health Officer as an upgrade to the septic system may be required.
	9. Approval for a Holiday Home or Holiday Home (Large) will run with the land (*Right in Rem*). Therefore if a subsequent purchaser buys the land, he or she is able to continue the use as stated in the approval and conditions imposed.
	10. Annual renewal of approvals is granted under delegation to the Shire’s Chief Executive Officer. The following will be considered and weighted accordingly when assessing an application for renewal:
		1. any complaints received during the annual period and responses by applicant to such complaints;
		2. if the health inspection requirements of clause 6.10 are met; and
		3. if there is any change in the circumstances under which the previous approval was granted.
	11. Approval for a Holiday Home (Large) will require the applicant to obtain (if not already) an extra rubbish bin service from the Shire than what is compulsory for approved Single House dwellings.
2. **HOLIDAY HOMES REGISTER**
	1. A register of approved Holiday Homes will be established and maintained by the Shire. The register will record basic details of the property including the contact details of the owner and/or manager/caretaker; property address; configuration (number of bedrooms, beds, bathrooms and car parking), renewal dates and fees and the attachment of the management plan, code of conduct and the fire and emergency plan for the premises.
	2. A person must not use a Residential zoned dwelling(s), or allow a residential zoned dwelling(s) to be used, as a Holiday Home or Holiday Home (Large):
		1. unless planning approval has been granted under the Shire’s Local Planning Scheme No. 7 to use the dwelling(s) as a Holiday Home or Holiday Home (Large);
		2. unless the dwelling(s) is registered as a Holiday Home or Holiday Home (Large) under the subsequent register; and
		3. other than in accordance with—
			1. the conditions of the approval; and
			2. the provisions of this Local Planning Policy.
	3. Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.
	4. Schedule 2 of this Policy contains the Certificate of Registration to be issued to Holiday Home operators once all matters of planning approval and registration are finalised to the satisfaction of the Shire. The Certificate of Registration shall be displayed within the approved premises at all times.
	5. The Shire may provide details of the Holiday Homes Register to third parties for emergency and tourism purposes.
3. **NON COMPLIANCE AND CANCELLATION**
	1. Any breach of planning approval conditions or the management plan will be dealt with in accordance with the enforcement provisions of Part 13 of the *Planning Development Act 2005* and/or cancellation of a registration. A new application may be considered after 12 months have expired from the cancelation date.
		1. A breach of a planning approval may be brought to the attention of the Shire as a result of an inspection or report by Shire staff, police report or by a member of the public.
4. **FURTHER INFORMATION**
	1. If a Residential zoned Single House, Grouped Dwelling or Multiple Dwelling is brought to the attention of the Shire to be operating as a commercial Holiday Home, a notice may be served requesting inspection, conducted by the Shire’s Manager of Building Services, to ensure building requirements are up to standard and abide by fire safety requirements. This noticed served will also require a subsequent planning approval to be obtained.
	2. It is recommended that landowners/managers seek independent legal advice on legislative requirements regarding the use and management of holiday homes. This would include, but is not limited to, checking the requirements of the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.
	3. As many residential public liability insurance policies exclude the use of premises for short term rentals, it is recommended that landowners/managers check this matter with their insurance providers.

**SCHEDULE 1: PROPERTY MANAGEMENT PLAN, CODE OF CONDUCT & FIRE AND EMERGNECY PLAN**

**SHIRE of DANDARAGAN**

**HOLIDAY HOME - PROPERTY MANAGEMENT PLAN**

**PROPERTY ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Number of Bedrooms: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Maximum Number of Occupants to Be Accommodated at Any One Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PROPERTY MANAGER DETAILS:**

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The nominated Property Manager will:

* Have day-to-day management of the holiday home; and
* Respond to complaints pertaining to guest behaviour within a reasonably expected timeframe.

**DETAILS OF RESERVATIONS ARRANGEMENTS** (please circle all applicable):

Property Manager

Internet (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DUTIES OF PROPERTY MANAGER**

* Supply, readily visible in the kitchen or living area of the home, the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route);
* Liaise with tenants for the occupancy and vacation of the premises;
* Ensure the correct maximum number of people are staying overnight in accordance with planning approval conditions;
* Ensure the premises are registered with the Shire of Dandaragan as a Holiday Home provider;
* Ensure guests are aware of the Code of Conduct;
* Ensure guests are aware of the Fire and Emergency Plan;
* Maintain a register of all people who utilise the premises, available for inspection by the Shire of Dandaragan upon request, pursuant to section 157 of the *Health (Miscellaneous Provisions) Act 1911*;
* Ensure the premises are clean and maintained to a high standard;
* Ensure bed linen is clean and replaced upon tenant vacation; and
* Ensure rubbish and recycling bins are put out and collected as required.

**ADDITIONAL INFORMATION (IF APPLICABLE)**

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**SHIRE of DANDARAGAN**

**HOLIDAY HOME – CODE OF CONDUCT**

**PROPERTY ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following Code of Conduct governs tenant behaviour and use of the property. The tenant agrees to follow the guidelines below, for themselves and any visitors they allow at the property:

**TENANTS:** A responsible adult (over 18 years of age) shall be on site at all times when children are present. No unauthorised people are permitted to stay overnight.

**NOISE AND NUISANCE:** The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

**VEHICLE PARKING:** The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

**SHIRE REGULATIONS:** The tenants agree to all Shire regulations, including noise and fire limitations.

**PREMISE CONDITION AND CLEANLINESS:** The tenants agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay. Tenants are to advise the Property Manager of any damage or disrepair within 24 hours of this occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

**FIRES:** The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

**RUBBISH DISPOSAL:** The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where their stay coincides with collection days.

Your collection day is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**KEYS:** At the end of the agreed tenancy, tenants agree to lock the premise, close all windows and return the keys to the Property Manager. Any lost or damaged keys will be replaced at the tenant’s expense.

**TERMINATION OF ACCOMMODATION:** If tenants are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued. If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours’ notice at the Property Manager’s discretion. No refunds will be made.



**SHIRE of DANDARAGAN**

**HOLIDAY HOME – FIRE AND EMERGENCY PLAN**

**PROPERTY ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FIRE SAFETY INFORMATION:**

The attached floor plan of premises clearly identifies the location of:

* Hardwired Smoke Alarms;
* Fire Blanket (in kitchen(;
* Exit Lighting (if required);
* Fire Extinguisher (minimum 2kg Powder AB(E)); and
* A fire evacuation route leading to the nearest main road.

The attached floor plan is to be clearly displayed within the premises at all times.

**EMERGENCY CONTACT DETAILS**

**FOR ALL EMERGENCIES DIAL 000**

Property Manager:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Jurien Bay Police: 9652 0600
* Shire of Dandaragan: 9652 0800
* Jurien Bay Health Centre: 9652 0200
* Jurien Bay General Practice: 9688 7900
* Cervantes Community Health Centre: 9652 7069

**EMERGENCY INFORMATION**

In the event of a fire or emergency, evacuation information may be broadcast or available from the following sources:

* ABC Radio: 107.9 FM
* Department of Fire and Emergency Services (DFES):
	+ [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au)
	+ 132 500 for SES emergency assistance
	+ 13 DFES (13 33 37) for emergency information
* Shire of Dandaragan: [www.dandaragan.wa.gov.au](http://www.dandaragan.wa.gov.au)

**SCHEDULE 2: CERTIFICATE OF REGISTRATION**

**CERTIFICATE OF REGISTRATION**

*Shire of Dandaragan*

LOCAL PLANNING POLICY 8.13: HOLIDAY HOMES

Date........../........../..........

This certifies that the dwelling at ...........................................................................................................

(address of holiday home)

owned by .................................................................................................................................................

(name/s of owner/s)

managed by...................................................... and ..............................................................................

(name of manager) (name of acting manager)

is registered as a holiday home which may be used to accommodate occupants for hire or reward in

accordance with—

1. the provisions of the *Local Planning Policy 8.13: Holiday Homes*;
2. any other relevant law; and
3. the conditions set out on the back of this certificate.

...............................................................

Signature of CEO/CEO’s delegate.

*Notes:*

1. *An application for registration of a holiday home cannot be approved unless planning approval has been granted under the Shire of Dandaragan Local Planning Scheme No. 7 to use the dwelling as a holiday home or holiday home (large).*
2. *Registration of a holiday home does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of a dwelling as a holiday home.*

**CONDITIONS OF REGISTRATION**

This registration is subject to the following conditions—