9.12 C-9HH12 – Holiday Homes

PART A- Policy

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 the Regional Centre and Residential zones 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.

Statutory Basis

Pursuant to the Shire's *Local Planning Scheme No.7* (the Scheme), the use of a Regional Centre or 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 clause 3 of the Deemed Provisions of the Scheme. Clause 3 outlines the Shire can prepare local planning 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.

Objective

- To recognise the increasing market demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the Shire wishes to address.
- To establish clear guidelines whereby Holiday Homes can be permitted and controlled in the Regional Centre and Residential zones of Cervantes and Jurien Bay.
- To ensure that these types of uses do not compromise the amenity of Residential zoned areas or nearby residents.
- To support the role of Holiday Homes as part of the tourism industry.
- To encourage the provision of good quality, well managed Holiday Homes.

Definitions

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

9. Economic Services and Development

"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.

Policy Statement

1.1 This Policy is applicable to all land zoned "Regional Centre" and "Residential" under the Scheme within Cervantes and Jurien Bay and all land within Special Development Area 1 (Residential).

1.2 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.

1.3 Applicants wishing to utilise their Regional Centre or Residential zoned property for a Holiday Home will need to apply for development approval in accordance with the Zoning Table the Scheme.

1.4 Applications for development approval for Holiday Homes will be advertised in accordance with the Scheme. Comments received during the advertisement process will be considered in the assessment of the application.

1.5 All development approvals for Holiday Home or Holiday Home (Large) shall expire on 30 June each year. Invoices for the annual renewal fees of development approval will be mailed to applicants on 1 June each year. For successful renewal, invoices for fees are required to be paid before the 30 June expiry date. The first annual renewal fees will be waived for a Holiday Home or Holiday Home (Large) which receives initial development approval within six (6) months of 30 June in the same calendar year.

1.6 Development 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.

1.7 The annual renewal fee payable shall include a charge for:
a) the renewal of development approval at a maximum 50% of the initial application fee, pursuant to Schedule 2 the *Planning and Development Regulations 2009*; and
b) the health inspection at the Council adopted budget amount for the given financial year in which the renewal occurs.

2.0 Conditions Of Approval

2.1 All applications will be assessed and evaluated for suitability in accordance with this Policy and any other legislation and policies reasonably related to the development application.

2.2 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.

2.3 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.

2.4 The total number of people to be accommodated in the proposal for a Holiday Home does not exceed 6 people.

2.5 The total number of people to be accommodated in the proposal for a Holiday Home (Large) exceeds 6 people, but does not exceed 12.

2.6 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.

2.7 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).

2.8 A Holiday Home management plan, code of conduct and fire and emergency plan is required to be submitted as part of the application for development approval.

2.9 The applicant shall supply any other information requested by the Shire that is reasonably related to the application for development 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.

2.10 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.

2.11 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:
a) any complaints received during the annual period and responses by applicant to

such complaints; and

b) if there is any change in the circumstances under which the previous approval was granted.

3.0 Holiday Homes Register

3.1 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.

3.2 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):

a) unless planning approval has been granted under the Scheme to use the dwelling(s) as a Holiday Home or Holiday Home (Large);

b) unless the dwelling(s) is registered as a Holiday Home or Holiday Home (Large) under the subsequent register; and

c) other than in accordance with—

i. the conditions of the approval; and

ii. the provisions of this Local Planning Policy.

3.3 Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.

3.4 Schedule 1 of this Policy contains the Certificate of Registration to be issued to Holiday Home operators once all matters of development approval are finalised to the satisfaction of the Shire. The Certificate of Registration shall be displayed within the approved premises at all times.

3.5 The Shire may provide details of the Holiday Homes Register to third parties for emergency purposes only.

4.0 Non Compliance And Cancellation

4.1 Any breach of development 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 3 months have expired from the cancelation date.

a) A breach of a development 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.

5.0 Further Information

5.1 If a Residential zoned property 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 development approval to be obtained.

9. Economic Services and Development

5.2 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*.

5.3 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.

9. Economic Services and Development

SCHEDULE 1: 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—

(a) the provisions of the *Local Planning Policy 8.13: Holiday Homes*;
(b) any other relevant law; and
(c) 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 –

1.
2.