

2K HOLIDAY HOMES

Objective:

To encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.

K1 Definitions

“Holiday Home (standard)” means a single house (excluding ancillary accommodation), which may 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).

K2 Policy Statement

K2.1 General

- 1) Matters to be considered in assessing, determining and renewing applications include:
 - a) effective on-going management;
 - b) appropriate location and compatibility with adjoining/nearby uses; and
 - c) access and car parking.
- 2) Planning approvals for holiday homes shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required and a renewal for a further 5 years will be considered, and will be subject to consultation with surrounding landowners. This is the responsibility of the applicant and the local government will not automatically re-issue approvals.
- 3) Planning approvals are issued only to the specific owner of the parcel of land and is not transferable to another person or to another land parcel. Should there be a change in landowner in respect of which the planning consent was issued the approval will no longer be valid.
- 4) Holiday homes are restricted to a maximum number of 6 guests in order to protect the amenity of the residents in the vicinity.
- 5) Where more than 6 guests are proposed, the premises is classified under the Health Act 1911 as a *“lodging house”* and will require further approval. An application for a Lodging House shall be treated as a “Use Not Listed” under the provisions of Scheme No. 1a and 3.
- 6) Holiday homes shall be limited to single residential dwellings on freehold lots.

K2.2 Location

- 1) To reduce conflict between holiday homes and residential dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy.
- 2) As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.
- 3) The area identified on Figure A below is considered to be the most appropriate priority area for the establishment of holiday homes given these areas are within close proximity to the town centre and popular swimming beaches. Other areas, within 400 metres (typically a 5 minute walk) of an activity centre may be considered provided they are located in an area within an interconnected network of streets which facilitates safe, efficient and pleasant walking, cycling and driving.
- 4) The underlying factor in determining an appropriate location for a holiday home is the proximity of the premises to where a holiday maker would desire to stay and proponents should address this in their application.

K2.3 Protecting the Residential Character of Neighbourhoods

In order to protect and retain the predominant residential nature and character of neighbourhoods, Council shall consider the cumulative impact thereof on a location's residential character, functioning and amenity as a criterion in the assessment of planning applications. Holiday homes should not become the predominant use within neighbourhoods.

K2.4 Ongoing Management

- 1) It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.
- 2) Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.
- 3) A management statement will need to be submitted to address matters including:
 - a) the amenity of adjoining/nearby land uses;
 - b) managing noise impacts of visitors;
 - c) the submission of a code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour;
 - d) outlining how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing onsite assistance and confirming arrangements for cleaning/waste management);
 - e) relevant site specific matters including fire management/emergency response plans for visitors and managing risks for visitors; and
 - f) the handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent or their representative visit the property, preferably within 12 hours).
- 4) Should it be demonstrated that the establishment is not being appropriately managed and matters are not quickly rectified, the local government may not issue planning approval renewal for the on-going operation of the use.

K2.5 Access & Car Parking

- 1) All car parking is to be contained on-site and no verge area should be used for car parking.
- 2) At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of one vehicle behind another vehicle.
- 3) It is common for holiday makers to have a boat, trailer, caravan etc. and there should be additional space allocated for such.
- 4) All vehicle access (including crossovers) and car parking areas are to be sealed and drained to the approval of the local government.

K2.6 Holiday Homes Register

Council shall maintain a holiday homes register. The register shall provide information on the owner and/or manager, property address, configuration (bedroom numbers, number of beds, bathrooms, car parking spaces).

K2.7 Application Requirements

Applications shall include a site plan, internal floor plan and elevations along with a management statement and information detailing how the proposed location is appropriate.

K2.8 Conditions of Approval

Council in considering a Holiday Home may impose conditions based on the following:

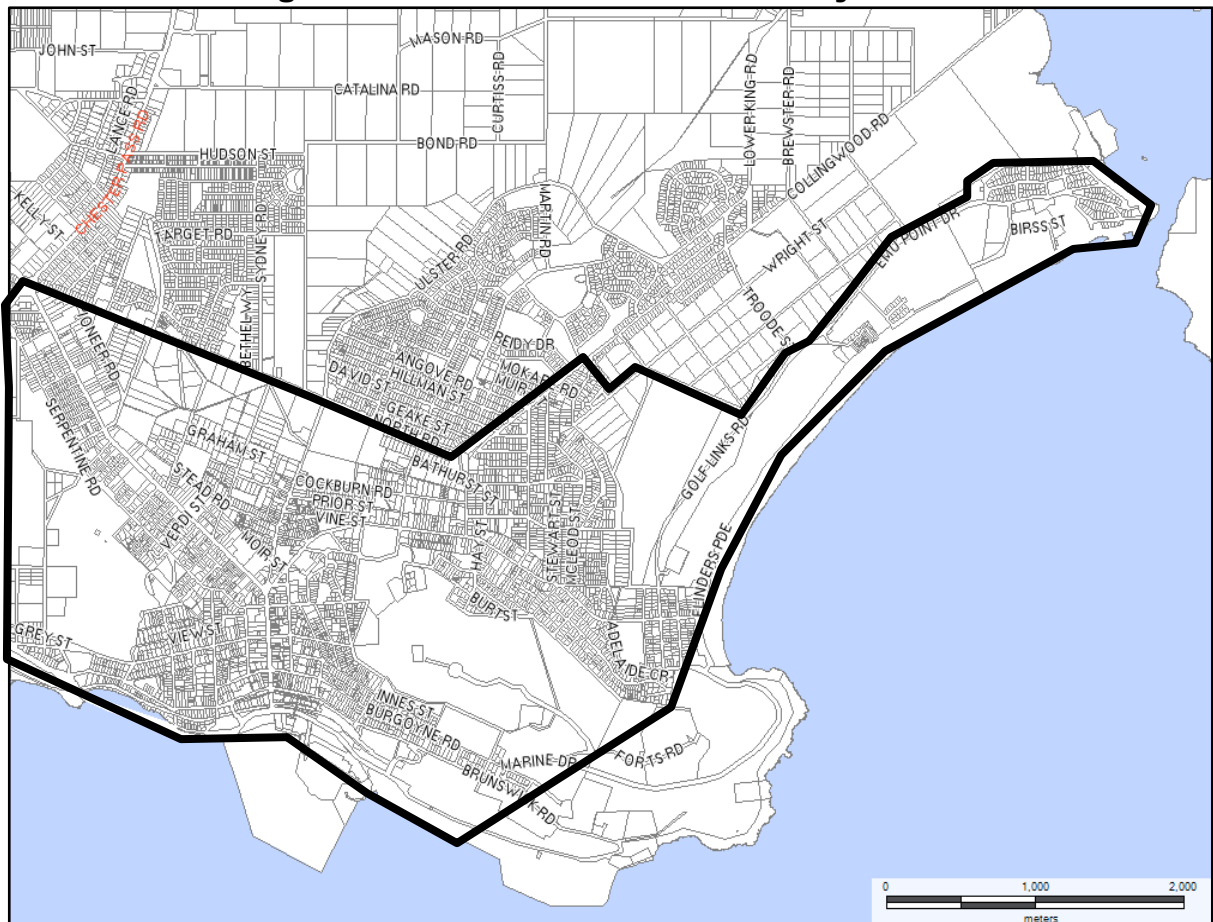
- 1) The consent is valid for an initial period of 12 months and may be renewed for 5 years subject to the use not causing nuisance or annoyance to neighbours or owner occupiers;
- 2) The maximum number of persons to be accommodated is restricted to 6 exclusive of the owner/operator.

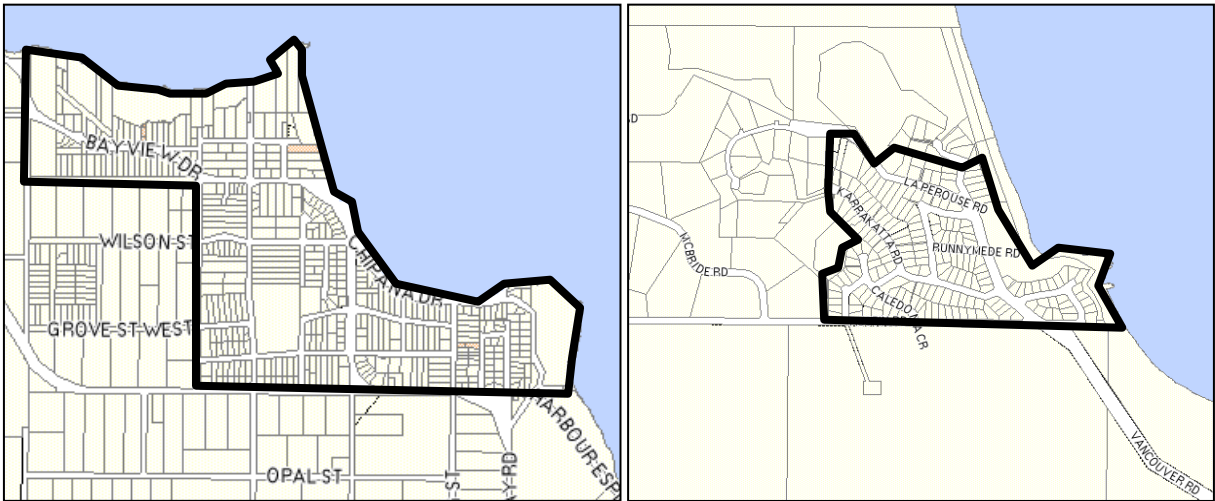
- 3) The consent is issued only to the specific owner of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the owner on the land in respect of which the planning approval was issued the approval shall no longer be valid.
- 4) The maximum stay for any tenant is restricted to 3 months within any 12 month period.
- 5) Operators must provide and maintain a register of all people who utilise the holiday accommodation during the year to Council’s satisfaction. A receipt book must be kept.

K2.9 Advertising Requirements

The use ‘Holiday Home’ falls under the wider definition of ‘Holiday Accommodation’ which is a use that requires advertising under Town Planning Scheme No. 1A. Where the use is proposed within a residential zone there is a 21 day advertising period inviting comment from adjacent landowners in accordance with Council’s Planning Processes Guidelines is required.

Figure A – Preferred Areas for Holiday Homes





1 Introduction

Holiday homes are a component of the short stay accommodation sector in some parts of 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.

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.

In response to these issues the Minister for Planning and Infrastructure formed the Holiday Homes Working Group in 2005. The role of the working group was to investigate issues surrounding the operation of holiday homes and matters raised by the group have been taken into consideration in the preparation of this bulletin.

2 Background

This bulletin sets out the interim position of the Western Australian Planning Commission (WAPC) in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework.

The bulletin proposes possible changes to local planning schemes and the preparation of local planning policies, tailored to address the specific issues encountered by local governments.

3 Objectives

The objectives of this planning bulletin are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

4 Proposed guidelines

4.1 Overview

Given that holiday homes are a legitimate part of the tourist accommodation industry and a desirable use in areas of high tourism amenity, it is recommended that holiday homes be formalised as a land use and dealt with via the local planning framework in the following ways:

- Introduction of a Model Scheme Text definitions for holiday homes.
- Introduction of holiday homes as a use class in the zoning table of local planning schemes.
- Identification of preferred areas for holiday homes in local planning strategies based on sound planning principles.
- The preparation of local planning policies to deal with the potential issues associated with holiday homes.

These guidelines may be applied in different ways by different local governments depending on the

local planning scheme and policies already in effect.

4.2 Local planning schemes

4.2.1 Definitions

It is proposed that the following definitions for holiday homes should be used in local planning schemes and adopted in the Model Scheme Text:

Holiday home (standard) means a single house (excluding ancillary accommodation), which may 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.

4.2.2 Holiday homes as a use class

It is recommended that holiday homes be introduced as a use class in the zoning table of local planning schemes, and be made a D or an SA use (discretionary or discretionary subject to advertising).

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by a local government, to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while also enabling the local government flexibility to terminate approvals of non compliant operators.

Existing holiday homes (where it can be demonstrated that there is a history of operation with minimal or no conflicts) should be considered for the identified longer approval subject to the requirements of the relevant local government.

In general, holiday homes should be residential dwellings on freehold lots.

4.3 Local planning policy

As well as including holiday homes as a controlled use in local planning schemes, local governments are encouraged to develop a local planning policy on holiday homes.

The content of a local planning policy may include:

- objectives
- definitions
- planning application and approval considerations
- conditions of approval
- establishment of a holiday homes register
- non compliance
- voluntary accreditation

The Department of Planning has prepared guidelines to assist local governments in the preparation of local planning policies.

4.4 Preferred locations for holiday homes

To reduce conflict between holiday homes and ordinary dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy. As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.

4.5 Holiday homes register

A register of approved holiday homes should be established and maintained by the local government. The register should record basic details of the property including the contact details of the owner and/or manager; property address; and configuration (bedroom number, number of beds, bathrooms, car parking spaces etc). These matters should be considered for inclusion in the approved management plans for the operation of the holiday home.

4.6 Voluntary accreditation

Local governments are encouraged to promote voluntary accreditation of holiday homes from the Tourism Council of Western Australia. Accreditation is a non regulatory, voluntary means of addressing identified customer service and consumer protection issues. The benefits of accreditation include improvements in the quality of accommodation product through the application of standards, capture of accommodation provider details.

4.7 Transitional arrangements

It is recommended that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

6 Comment

Any comment on this bulletin should quote the title: Holiday Homes Guidelines and reference number: 801/6/1/44 V2 and be directed to:

Western Australian Planning Commission
469 Wellington Street
Perth WA 6000

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