

2.4: ADOPTION OF LOCAL PLANNING POLICY – HOLIDAY HOMES

Proponent	: City of Albany
Attachments	: Draft Local Planning Policy – Holiday Homes : Western Australian Planning Commission – Planning Bulletin 99
Appendices	: Submissions Received on this Policy
Responsible Officer	: E/Director Planning & Development Services (G Bride)

IN BRIEF

- Consider the adoption of the draft local planning policy titled 'Holiday Homes' in line with the Western Australian Planning Commission's recommendations, through its Planning Bulletin 99 (Holiday Homes Guidelines).

Councillor J Bostock withdrew her Alternate Motion for this Item, pursuant to the final sentence of her Alternate Motion being included in the Alternate Motion by Councillor Sutton.

ITEM 2.4: ALTERNATE MOTION BY COUNCILLOR SUTTON VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR J BOSTOCK**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT the Local Planning Policy LPP 2K - Holiday Homes and incorporate the Policy within its consolidated Local Planning Policy Manual, subject to the following modifications:

- 1. K2.1(2), K2.4(4) and K2.8(1) being deleted so that the requirement for approvals to be limited to an initial 12 month period and for renewals after five years is not required.**
- 2. K2.8(4) being changed to state the following:
"The maximum stay for any one person is restricted to three months within any 12 month period".**

Holiday Homes shall be limited to 'detached' single residential dwellings on freehold lots.

CARRIED 5-4

Record of Vote

Against the Motion: Councillors Wellington, Wolfe, Dufty and Matla

Councillor Reason:

The 12 month restriction and five year renewal period will involve considerable staff resources to monitor and review and provide uncertainty and an unnecessary burden for holiday accommodation operators.

It is also important to clarify that whilst a company may book out a holiday home for a period longer than three months, the three month time period would apply to each individual person who stays in the premises.

Officer Report (G Bride)

It is accepted that the 12 month initial approval period and five year renewal would have an impact on staff resources, however this is likely to be minimal. Like most other planning approvals with this restriction being removed as proposed by the alternate motion, the proponent would receive planning consent in perpetuity, although there will be conditions of approval that the proponent would need to comply with whilst operating the use.

The reason for the 12 month initial approval period was to monitor the management of the holiday accommodation prior to considering approval for a further five year period, to ensure the proponent abides by the commitments at time of application.

It is accepted that the change of wording from 'tenant' to 'person' provides greater clarity in relation to the three month time period restriction within the policy.

ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT the Local Planning Policy LPP 2K - Holiday Homes and incorporate the Policy within its consolidated Local Planning Policy Manual.

BACKGROUND

1. At its meeting dated 19 April 2011 Council resolved to lay the Responsible Officer Recommendation 2 on the Table. Responsible Officer Recommendation 2 was:

“THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP2(F) Holiday Homes within the Local Planning Policy Manual (April 2011) as per the amendments identified within the attached schedule of submissions.”

2. This Local Planning Policy is now represented to Council for consideration as to whether it should be adopted with modifications, adopted without modifications or not adopted.

DISCUSSION

3. The Policy as advertised is consistent with WAPC Planning Bulletin 99 and is similar to policies recently prepared by other local governments on Holiday Homes.
4. In summary the new policy proposes to introduce:
 - Requirements for proponents to lodge management plans with their application identifying a code of conduct for guests, the management of disruptive noise and/or behaviour, the day to day management of the premises inclusive of key availability, cleaning and waste management and how complaints from adjacent neighbours will be handled (inclusive of maximum response times).
 - An initial 12 month approval period to review the operation of the holiday home, prior to consideration of a 5 year renewal.
 - The maximum number of guests being restricted to six persons.
 - Preferred areas for holiday homes which are close to the City Centre or areas of high amenity (within close proximity to popular swimming beaches / national parks etc).
 - Minimum parking requirements and driveway standards.
 - Advertising requirements.
 - Application requirements and standard conditions of approval.
5. Two submissions were received suggesting minor amendments to the Policy. The main issue raised is that whilst the Policy includes a statement that holiday homes should not become the predominant use in residential areas, this is not further quantified or measured. A similar policy provision has consistently been applied by other local governments in relation to holiday homes, and the imposition of an arbitrary target or ratio is not considered helpful in quantifying this statement. This provision is considered acceptable in its current form; the term ‘predominant’ implies that holiday homes should not outnumber permanent residences as a guide in the decision making process. Staff will seek to maintain a register and will be able to track the density of such accommodation within certain suburbs and streets.

6. Some additional comments relating to landlord accessibility in handling complaints and the advertising of proposals seeking planning consent renewal after the 12 month approval period has expired have been supported.

GOVERNMENT CONSULTATION

7. No submissions from government agencies were received.

PUBLIC CONSULTATION / ENGAGEMENT

8. As stated above two submissions were received in relation to this Policy. A copy of these submissions is found within the Appendices Booklet.

STATUTORY IMPLICATIONS

9. Clauses 6.9 of the City of Albany Town Planning Scheme No. 3 and 7.21 of Town Planning Scheme No. 1A set out the processes to adopt local planning policies.

STRATEGIC IMPLICATIONS

10. Within the Albany Local Planning Strategy, under Section 5.4, the proposal is considered to be consistent with the following principle:

“Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience.”

POLICY IMPLICATIONS

11. Should the draft policy be adopted by Council it will be incorporated into Council’s recently adopted Local Planning Policy Manual.

RISK IDENTIFICATION & MITIGATION

The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Local Planning Policy is not adopted and the new safeguards to protect neighbour amenity are not introduced.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

12. The Local Planning Policy has been prepared internally by staff within existing budget lines.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. Council has the option of not adopting the draft local planning policy which would mean Council would not have a planning policy in place in response to holiday home applications. Planning Bulletin 99 was prepared by the Western Australian Planning Commission to guide consistency amongst local governments when dealing with such applications; this model policy has been adopted by many local governments to address growing concerns from residents in sought after tourist destinations (such as Albany) about the impacts on neighbourhood character and amenity associated with such proposals.

SUMMARY CONCLUSION

14. It is important that Council adopts the Local Planning Policy 2K Holiday Homes to provide assurances to affected residents and guidance to proponents wishing to utilise their residences for short stay accommodation.

Consulted References	Town Planning Scheme No. 1A and 3
File Number (Name of Ward)	STR 047 (All Wards)
Previous Reference	OCM 16/03/10 – Item 13.5.1 OCM 14/12/10 – Item 1.6 OCM 19/04/11 – Item 1.1