



## **SHIRE OF JERRAMUNGUP LOCAL PLANNING POLICY NO 20 HOLIDAY HOMES**

### **1.0 BACKGROUND**

Holiday homes are private residential dwellings that are leased out for short term accommodation for a period not exceeding three (3) months. Holiday homes and 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 Western Australian Planning Commission (WAPC) has prepared Planning Bulletin 99 - 'Holiday Homes Guidelines' that sets out the WAPC's position 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. This policy is consistent with the recommendations of this Bulletin.

The Shire of Jerramungup Local Planning Scheme No.2 (the Scheme) does not list 'holiday home' as a specific use class or defines 'holiday home'. Council has determined that the land use 'holiday home' shall be treated as a 'Use Not Listed' and considered in the 'Residential', 'Rural Residential', 'Rural', and 'Townsite' zones subject to advertising for public comment prior to a determination of an application.

## **2.0 STATUTORY BASIS**

Clauses 2.2 and 2.4 of the Shire of Jerramungup Town Planning Scheme No. 2 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of this Policy and the objectives which the Policy is designed to achieve before making its determination.

## **3.0. PURPOSE OF POLICY**

To establish clear guidelines for the short stay use of holiday homes for tourism accommodation.

## **4.0 POLICY STATEMENT**

This Policy will apply to all land zoned Residential, Townsite, Rural Residential and Rural under the Shire of Jerramungup Local Planning Scheme 2.

## **5.0 OBJECTIVES**

The objectives of this Policy are:

- To ensure that the predominant residential nature and character of neighbourhoods is retained.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents.
- To encourage the provision of good quality, well managed holiday homes.

## **6.0 REQUIREMENTS**

### **6.1 Definitions**

For the purpose of this policy:

**Holiday home** means a single house, which might also be used for short stay accommodation for no more than twelve people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

**Short stay** means that no person is to stay for more than three months in any 12 month period.

### **6.2 General Requirements**

#### **6.2.1 Advertising**

All applications will be referred to the adjoining landowners (generally identified as two (2) x landowners either side of the subject property, including across the road and to the rear of the subject property) seeking comments on the proposal.

#### **6.2.2 Exemptions from Planning Approval**

This policy does not apply to houses used by absentee landowners for their own holidays but only to houses rented out for commercial gain.

#### **6.2.3 General Requirements**

- a. Holiday homes are generally considered an acceptable land use in the 'Residential', 'Rural Residential', 'Rural', and 'Townsite' zones, subject to appropriate management that retains the residential amenity of an area.
- b. The holiday home may only be rented for a maximum period of three (3) months to any one person in any twelve (12) month period.
- c. Car parking bays are to be provided on-site at a rate of one bay per two adults accommodated.
- c. On-site holiday home signage is not permitted with the exception of a 0.5 m<sup>2</sup> nameplate (i.e. identifies the name of holiday home if relevant).
- d. Business Directional Signs are not permitted for holiday homes.
- e. The use of grouped or multiple dwellings will generally not be supported for holiday home accommodation given the potential impacts on adjoining residents, unless all owners are in agreement.

#### **6.2.4 Special Application Requirements**

A Property Management Plan is required to be submitted and approved by the Shire. Matters that need to be addressed in the Property Management Plan include:

- i) Details of the appointed property manager;
- ii) Details of the maximum number of adults to be accommodated at any one time.
- iii) Details of how bookings are to be made;
- iv) Duties of the property manager;
- v) In relation to the appointment of a Property Manager, the following is applicable:
  - is a person/company that will have day-to-day management of the holiday home; and
  - will specifically respond to complaints pertaining to guest behaviour made before 1am within a two hour timeframe; and
  - in relation to any other complaints will respond, within a reasonable timeframe but in any event within 24 hours.
- vi) Fire and emergency plan arrangements (i.e. location of smoke alarms, fire blankets, exit lighting, fire extinguishers, external taps/garden hoses, a fire evacuation route leading to the nearest main road and emergency information details); and
- vii) A Code of Conduct for guests.

To ensure consistency in Property Management Plan details, a proforma Property Management Plan is attached to this Policy.

#### **6.2.5 Renewal & Approval Period**

- a. All initial planning approvals for holiday homes shall be granted for a one year period unless the local government determines otherwise.
- b. In determining an application for renewal, the Shire will consider the nature of any comments 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. Some allowance will be made for the busy New Years and Easter period in Bremer Bay given the higher than normal tourist numbers in the town in general.
- c. Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.

- d. Where the Shire is satisfied that, the holiday home has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted.

**Note:**

Property Managers are fully responsible for the holiday home and to ensure there is minimal impact on the amenity of neighbouring properties. This provides a degree of certainty to operators, while also enabling the Shire flexibility to terminate approval of non-compliant operators, particularly where valid complaints are received, conditions of approval are not being complied with and/or there are concerns relating to the holiday home operations.