

		<h1>Holiday Houses</h1> <h2>Local Planning Policy</h2>
Version 1		
Scheme Provisions: LPS #11 3.2 Zoning Table Holiday House 4.8.11 - Parking of Boats LPS #10 4.1 Zoning and Development Table Holiday House 5.13.2.3 - Use of Front/Setback area	Other References: Shire of Northampton Local Planning Scheme No. 10 Shire of Northampton Local Planning Scheme No. 11 Planning and Development Act 2005 Planning Bulletin 99 - Holiday Homes	Special procedural considerations:

RESPONSIBILITY	Chief Executive Officer as per the Delegations Policy and Register.		
ADOPTION	20 November 2020	Advertising/Final Approval	

1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* (together 'the Scheme'). It may be cited as the Holiday Houses Local Planning Policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 OBJECTIVES

- 2.1 To establish clear guidelines for the assessment and approval of short stay use of residential dwellings for tourism accommodation as a holiday house.
- 2.2 To ensure that short stay use of residential dwellings occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- 2.3 To establish clear guidelines for the imposition of conditions of approval on development approvals for holiday house uses so as to effectively manage any potential impacts on residential amenity.

3.0 POLICY STATEMENT

3.1 Definitions

As per Appendix I – Interpretations of the Scheme, the following definitions are relevant:

"Holiday House" means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

3.2 General Application of the Policy

The policy only applies to a holiday house use as defined in the Scheme and does not apply to short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses. This policy applies to all applications for development approval of a holiday house under the Scheme, whether retrospective or prospective.

3.3 Approval considerations

Matters to be considered in assessing, determining and renewing applications include, but are not limited to:

- a) effective on-going management;
- b) appropriate location and compatibility with adjoining/nearby uses;
- c) access and car parking;
- d) signage; and
- e) likely impact of holiday use on the residential amenity of adjoining properties.

3.4 Number of guests

- 3.4.1 Holiday houses should generally be restricted by condition of approval to a maximum number of 6 guests in order to protect the amenity of the residents in the vicinity. In any event the maximum number of guests shall not exceed 12 for a holiday house use. The maximum number of guests permitted shall be assessed with reference to the size of the lot, number of bedrooms, the size of each bedroom and appropriate bathroom/toilet facilities.

3.5 Location

- 3.5.1 As a guide, holiday houses 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 and less appropriate in residential suburban locations.
- 3.5.2 The underlying factor in determining an appropriate location for a holiday house is the proximity of the premises to key tourism attractions and applicants should address this in their application.
- 3.5.3 For 'large' holiday houses (catering for between 8 to 12 guests) there is a general presumption against their location in residential suburban locations and approval of such uses will only be considered in residential suburban locations on lots over 1,500m².

3.6 On-going Management

- 3.6.1 Responsibility for appropriate on-going management rests with the owner to ensure that visitors occupy the holiday house in a responsible manner and do not create inappropriate impacts (including noise) to adjoining/nearby properties.
- 3.6.2 Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the development application, the local government will require the owner to outline how the site will be managed, especially if they do not live nearby.
- 3.6.3 A condition of approval shall require a Property Management Plan to be submitted and approved by the local government prior to the commencement of activities and for the owner to comply with the Property Management Plan at all times. Matters that should be addressed in the Property Management Plan include:
- a) Details of the appointed property manager (being a person/company that will have day-to-day management of the holiday house);
 - b) Details of how bookings are to be made;
 - c) Duties of the property manager including details of cleaning of premises and removal of rubbish from the property between bookings;
 - d) Complaint response procedure requiring the property manager to respond to complaints pertaining to guest behaviour within a reasonable timeframe but in any event within 24 hours;
 - e) Fire and emergency management plan that details fire and emergency 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
 - f) A Code of Conduct for guests;
 - g) Maintenance of a register of all guests by the property manager containing the following information:
 - (i) Name, address and contact details of the hirer;
 - (ii) Number and names of any additional guests; and
 - (iii) Length of stay.

The register of guests is to be made available to the local government upon request.

The local government may require amendments to be made to any Property Management Plan submitted by an owner. To ensure consistency in Property Management Plan details, a proforma Property Management Plan is attached as **Appendix 1**.

- 3.6.4 A condition of Development Approval for a holiday house use will require the owner to provide a copy of the approved Property Management Plan to the immediate adjoining landowners/occupiers as identified by the local government.

3.7 Access and Car Parking

- 3.7.1 A condition of approval shall require all car parking to be contained on-site and no verge area to be used for car parking.
- 3.7.2 At a minimum, approval conditions should require the provision of two (2) on-site car parking bays for up to 6 guests and a further 2 on-site car parking bays for between 7 to 12 guests. Tandem parking will only be permitted for maximum of one vehicle behind another vehicle.
- 3.7.3 It is common for holiday makers to have a boat, trailer, caravan etc. and approval conditions should also require additional space to be allocated onsite for this purpose.
- 3.7.4 All vehicle access (including crossovers) and car parking areas are to be constructed to the approval of the local government. As a minimum the following construction standards shall apply and should be specified in relevant conditions of approval:

Table 1: Vehicle Crossover	
Existing Road Condition	Construction Standard
Where the property fronts an existing gravel road	The crossover shall be constructed to an all weather standard (e.g. gravel, crushed rock) to facilitate access to the development by a 2 wheel drive vehicle and thereafter maintained.
Where the property fronts an existing sealed (bitumen/asphalt) road	The crossover shall be constructed to a sealed standard (asphalt, concrete, brick paving), drained and thereafter maintained.
Table 2: Access, Parking and Manoeuvring Areas	
Existing Road Condition	Construction Standard
Residential Special Residential	Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick paving), drained and thereafter maintained.
Rural Rural Residential / Special Rural Rural Smallholding	Vehicle parking, manoeuvring and circulation areas shall be suitably constructed to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles and thereafter maintained.

3.8 Fire and Emergency Requirements

- 3.8.1 Approval conditions shall require a holiday house to meet the following minimum fire safety measures:
- a) a fire blanket in the kitchen area; and
 - b) fire extinguishers with a 2kg dry chemical powder extinguisher as a minimum.
- 3.8.2 A Fire and Emergency Management Plan will also need to be prepared and will form part of the Property Management Plan (refer cl. 3.6.3).

3.9 Signage

- 3.9.1 Approval conditions shall specify that on-site holiday house signage is not permitted with the exception of a 0.2 m² nameplate (i.e. identifies the name of holiday house if relevant).
- 3.9.2 Business Directional Signs (commonly referred to as 'Blue Signs') are not permitted for holiday house premises. Proponents of holiday houses will be expected to send directional maps to patrons and visitor centres and use other methods for directional purposes rather than relying on signage.

3.10 Application Requirements and Fees

3.10.1 The following information is required to be submitted to enable an assessment of an application for approval of a Holiday House:

- a) Completed 'Application for Development Approval' form;
- b) Payment of the applicable Development Application fee as per Council's Planning Services Fees & Charges Schedule;
- c) Two copies of the following:
 - Site plan (to scale) showing the location of the dwelling in relation to the lot boundaries, on-site car parking areas, the driveway(s), crossover and location of effluent disposal systems (where property is not connected to sewer);
 - Floor plan of the dwelling; and
 - Internal and external photos of the dwelling.
- d) A completed Property Management Plan (refer Appendix 1)
- e) Fire and Emergency Management Plan; and
- f) Accompanying letter outlining the proposal.

3.10.2 Where the residential dwelling exists, the fee payable shall be the same as for an application for determining an application for approval of a Home Based Business.

3.10.3 Where the residential dwelling is proposed to be built, the fee payable shall be the same as for an application for determining a development application.

3.10.4 The renewal fee payable shall be the same as for determining an application for the renewal of an approval for a home based business.

3.10.5 A renewal of an approval for a Holiday House is required to submit the information contained within cl. 3.10.1.

3.11 Advertising Requirements

3.11.1 In accordance with the Scheme, where a "Holiday House" is an 'A' use, applications are required to be advertised for public comment in accordance with cl. 64, of Schedule 2, Part 8 of the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) prior to being determined. Noting that whilst comments relating to a proposal are considered in the final determination of an application, there is no obligation on the Shire of Northampton to refuse a proposal based on receiving objections alone.

3.11.2 In accordance with the relevant provisions of the LPS Regulations, as a minimum all 'A' applications will be referred to the immediate adjoining landowners (generally identified as one (1) 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.

3.11.3 The following is provided as a guide to the purpose of seeking comments from immediate adjoining landowners on holiday house proposals:

- a) Comments/objections based on unfounded speculation (such as behaviour of occupants) will be given little or no weight in the consideration of new applications.
- b) Comments/objections based on unique site characteristics will be considered in assessment of applications and may result in additional conditions of approval (e.g. increased visual privacy screening associated with a balcony area).

3.12 Approval period

- 3.12.1 An initial application will be considered for an approval period of one year with an opportunity to renew the approval in order to determine any potential, adverse amenity impacts upon implementation of an approved holiday house use.
- 3.12.2 Where the local government is satisfied that the holiday house has been appropriately managed, an approval of the renewal application for a period of up to five years may be granted, followed by a further five year approval period for subsequent renewals, so as to enable the local government to undertake a periodic review of any compliance issues or amenity impacts arising from a holiday house use.
- 3.12.3 A renewal for a three year period will be subject to demonstrated compliance with the conditions of development approval and property management plan to ensure that there is minimal impact on the amenity of neighbouring properties.
- 3.12.4 Where an approval is not renewed, the holiday house approval will cease and the use will revert from 'holiday house' to 'single house' (residential dwelling). It is the responsibility of the land owner to submit an application for renewal of a holiday house approval to the local government prior to expiry of the approval.
- 3.12.4 Where complaints have been made, issues relating to impacts on amenity have been verified or other non-compliance with the development approval has occurred, approval of a renewal application may be refused.

3.13 Non compliance and cancellation

- 3.13.1 Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of the Scheme and/or refusal of any subsequent Application for Renewal.

3.14 Holiday houses register

- 3.14.1 A register of approved holiday houses shall be established and maintained by the local government.
- 3.14.2 The register shall record basic details of each property approved for holiday house use including the expiry date of the approval, contact details of the owner and/or property manager; property address; and configuration (number of bedrooms, number of beds, bathrooms, car parking spaces etc).

3.15 Other matters

- 3.15.1 Other legislative requirements may apply to the use and management of holiday houses including, but not limited to, checking the requirements of the Building Act 2011, Equal Opportunity Act 1984 and the WA Fair Trading Act 2010. Land owners and property managers should seek their own independent legal advice in this regard.
- 3.12.2 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.

Holiday House Property Management Plan

PROPERTY DETAILS

Name					
Lot Number		Street Number		Street Name	
Locality					
No. of Bedrooms					

PROPERTY MANAGER DETAILS

Name			
Address			
Email		Phone	
SIGNATURE		Date	

ROLES AND RESPONSIBILITIES OF PROPERTY MANAGERS

The nominated Property Manager agrees to;

- Ensure that all guests and visitors to a Property under their Management comply with this Code of Conduct;
- Have day-to-day management of the Holiday House;
- Respond to complaints within a two hour timeframe pertaining to guest behavior made before 1am or respond within a reasonable timeframe, but within 24 hours, in relation to all other complaints;
- Ensure the Property Manager contact details are updated with the Shire of Northampton at the time of any change/s;
- Ensure the premises are registered with the Shire of Northampton as a 'holiday house provider';
- Cooperate with other stakeholders including industry associations, tourism bodies, local councils and other government authorities to enhance the image, standards and contribution of Holiday House Accommodation to the economy;
- Ensure the following information is readily visible in the house:
 - the Code of Conduct
 - the Property Management Plan
 - the Fire and Emergency Management Plan (including the Fire Evacuation Route)
 - a list of Emergency and After Hours contacts
- Liaise with guests for the occupancy and vacation of the premises;
- Ensure the correct maximum number of guests are staying overnight in accordance with Development Approval conditions;
- Maintain a register of all people who utilise the premises, with the register to be available for inspection by the Shire of Northampton upon request;
- Ensure the premises are clean and maintained to a high standard;
- Ensure bed linen is clean and replaced upon guest vacation; and

Should the property not have access to Shire waste collection services, please provide details of how waste shall be disposed of:

Holiday House Accommodation

CODE OF CONDUCT

Property address:

This Code of Conduct has been developed to provide a self-regulatory approach to the management of Holiday House Accommodation in the Shire of Northampton and aims to;

1. establish acceptable standards of behaviour for Holiday House Accommodation Guests and Visitors to minimise any adverse social or environmental impacts;
2. assist Owners and Managers of Holiday House Accommodation to meet the needs of all stakeholders including guests, neighbours, local communities, local councils and government authorities;
3. inform the community of the standards of conduct expected from Holiday House Accommodation owners, managers, guests and visitors so as to effectively minimise amenity impacts.

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

TENANT	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour.• Noise should cease after 9pm Sunday to Thursday and after 10pm Friday and Saturday.
VEHICLE PARKING	<ul style="list-style-type: none">• The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, on the street verge, or street outside the property.• Tenants and guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.
SHIRE REGULATIONS	<ul style="list-style-type: none">• The tenants agree to comply with all Shire regulations, including noise and fire limitations.
PREMISE CONDITION AND CLEANLINESS	<ul style="list-style-type: none">• 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 will be paid for by the tenants.
FIRES	<ul style="list-style-type: none">• The tenants agree not to allow any candles, open fires or similar to burn unsupervised within the premises.• No open fires are permitted outside at any time.• Barbeque facilities may be provided and used in a safe manner.
RUBBISH DISPOSAL	<ul style="list-style-type: none">• Tenants agree to contain all their rubbish in the bins provided.• Tenants are responsible for putting out and collecting bins where their stay coincides with collection days.• Waste collection day is:
KEYS	<ul style="list-style-type: none">• 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.

Holiday House Accommodation

TERMINATION OF ACCOMMODATION	<ul style="list-style-type: none">• 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.
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Holiday House Accommodation

FIRE AND EMERGENCY MANAGEMENT PLAN

Property address:

EMERGENCY CONTACT DETAILS

FOR EMERGENCIES DIAL 000

Property Manager	
Northampton / Kalbarri Police	
Northampton / Kalbarri Hospital	
Shire of Northampton	

EMERGENCY INFORMATION

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

ABC Radio: 828AM

DFES: www.dfes.wa.gov.au

132 500 - SES emergency assistance

13 DFES (13 33 37) for emergency Information Shire of

Northampton: www.northampton.wa.gov.au

Holiday House Accommodation

FIRE EVACUATION ROUTE

Property address:	
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Attach map of the locality clearly showing the nearest Emergency Evacuation Point for the property and the primary route for evacuating the area – noting that this route must lead to a **main arterial road**.

Holiday House Accommodation

FLOOR PLAN OF PREMISES

Property address:	
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Attach floor plan of the dwelling showing the following:

- Hardwired smoke alarms (required in all bedrooms and passageways)
- Fire blanket (in kitchen)
- Fire extinguishers, including a 2kg chemical powder extinguisher as a minimum
- External taps/garden hose locations
- 'You Are Here' symbol.
- Exit point/s from dwelling
- First Aid Equipment