



DRAFT TOWN PLANNING SCHEME POLICY NO. 19.4: HOLIDAY HOMES

Adopted on the **XX XXX** 2012 in accordance with Clause 8.2
of Town Planning Scheme No. 3.

1. INTRODUCTION

Holiday homes are private residential dwellings that are leased out for short term accommodation for a period not exceeding three (3) months. Holiday homes are an important aspect of the tourism industry in the Shire of Denmark and have long been an important part of local and Western Australian lifestyle and culture. Over time, there has been increased commercialisation of holiday homes which have lead to changes in character and amenity of neighbourhoods. 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 Denmark's tourism industry. This has led to pressures for the regulation of holiday homes which to date have been largely unregulated.

2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation and subsequent adoption of Town Planning Scheme Policies. Town Planning Scheme Policy No. 19.4: Holiday Homes ('Policy No. 19.4') has been prepared in accordance with the Scheme.

As per Clause 8.2.4 of the Scheme, Policy 19.4 does not bind the Shire of Denmark in respect of any application for planning approval but the Shire of Denmark will have due regard to the provisions of Policy 19.4 and the objectives which the policy was designed to achieve before making its determination.

3. OBJECTIVES

- To ensure that the predominant residential nature and character of neighbourhoods are 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.
- To encourage the marketing, management and presentation of holiday homes to enhance Denmark's image.
- To identify suitable areas where holiday homes are deemed to be most suitable and clarify the assessment process for each of these defined areas.

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XXX XXX 2012 (Item X.X.X) – Resolution No. XXX
As required
Director of Planning & Sustainability

4. DEFINITIONS

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

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.

5. ZONE PERMISSIBILITY

As per the provisions of the Scheme (Table 1 – Zoning Table and Clause 5.38), the following land use permissibility provisions apply to holiday homes:

Residential	SA
Tourist	AA
Commercial	X
Industrial	X
Rural	SA
Special Rural	SA (as per Clause 5.38 of the scheme)
Rural Multiple Occupancy	SA
Special Residential	SA (as per Clause 5.38 of the scheme)
Landscape Protection	SA (as per Clause 5.38 of the scheme)
Professional Office	X

Note:

- AA - means that Council may, at its discretion, permit the use in the zone.
- SA - means that Council may, at its discretion, permit the use in the zone following public advertising thereof.
- X - means the use is not permitted in the zone.

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6. POLICY STATEMENT CRITERIA

6.1 Preferred Locations for Holiday Homes

Areas in which the Shire prefers the locations of Holiday Homes are shown on Map 1 as Areas 1 and 2. The area in which the Shire does not generally support holiday homes is shown as Area 3. An explanation of each of the identified areas is provided in Table 1 (see over).

The cumulative impact of holiday homes on the retention of the predominant residential nature and character of neighbourhoods are negated through the identification of preferred areas and residential densities which achieves a large coverage within the Shire.

6.2 Preferred Residential Density of Land for Holiday Homes

For land zoned residential in Area 1, generally those sites with lower density codings are considered more suitable for holiday homes than areas of higher density codings due to the impact of holiday homes on residential amenity and character of neighbourhoods in areas of denser settlement – refer Table 2.

R2-R5	<i>Most Preferred</i>
R10	<i>Preferred</i>
R20-R40	<i>Least Preferred (note: Holiday Home (Large) proposals generally not permitted)</i>

6.3 Applicable Criteria To Be Met For Holiday Home (Large) Applications

The following development standards should apply to Holiday Home (Large) proposals:

- Have a site area of no less than 1,000m²
- Have no less than four (4) bedrooms and two (2) bathrooms
- Be limited in the number of people (7 – 12) in accordance with the capacity of the septic system on site

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Table 1: Preferred Areas for Holiday Homes

Area 1 – Wilson Inlet Environ	Area Boundary	<i>Area 1 is defined by residential areas located to the south of South Coast Highway and to the east of Ocean Beach Road along the Wilson Inlet foreshore.</i>
	Area Description	<i>High visual aesthetics along the Wilson Inlet have historically proved popular to establish holiday homes, particularly in both the Weedon Hill and Ocean Beach areas. It is likely this trend will continue and as these areas combine high amenity settings, inlet locations and provide relatively close proximity to natural attractions and the Denmark town site.</i>
Area 2 – Rural	Area Boundary	<i>Area 2 is defined as areas outside of Area 1 and 3 and generally consists of low density coded ‘Residential’ zoned land and areas zoned ‘Special Residential’, ‘Special Rural’, ‘Landscape Protection’ and ‘Rural’.</i>
	Area Description	<i>Rural and lifestyle areas provide the opportunity for holiday homes to established in an environment with larger lots sizes therefore generating negligible effects on the amenity of adjoining neighbours. The ability to construct additional dwellings within the Rural zone (pending certain criteria) offers opportunity for landowners to easily diversify business interests by establishing holiday homes.</i>
Area 3 – Townsite	Area Boundary	<i>Area 3 is defined by areas in close proximity to services and facilities within the town centre and those areas with higher density coded land (i.e. R5 to R40 including areas that have split codings); does exclude those areas where holiday homes are considered an ‘X’ land use class.</i>
	Area Description	<p><i>The Shire of Denmark acknowledges the importance of maintaining a high level of owner occupier and/or long term rentals within the Denmark town site. Applications for holiday homes will generally not be supported in this area as these houses have been identified as being within the walkable catchment to local shops, schools, businesses, recreational facilities and public open spaces and should be retained wherever possible for permanent residents. Consideration has been given to this area, in that some people may wish to consider renting holiday homes within the Denmark town site for those reasons stated above, however there is sufficient short stay accommodation within the town centre (hotels, motels, units etc) which can satisfy current demand. Furthermore, short stay holiday makers have proven to be upwardly mobile and seek higher amenity settings found generally in the two areas identified above.</i></p> <p><i>In accordance with Clause 4.1 of the Scheme, legal holiday homes (i.e. have planning approval) currently operating in this area at the time at which the policy comes into force will be able to continue to operate, however, should the use cease for six months or more, no further approvals will be issued (refer Clause 4.4.1 of the Scheme).</i></p>

6.4 Public Notice of the Proposal

In accordance with Clause 3.2.2 of the Scheme, all 'SA' applications are required to be advertised for public comment in accordance with Clause 6.4 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 from the Shire of Denmark to refuse a proposal based on receiving objections alone.

Having regard to the provisions of Clause 6.4 of the Scheme, as a minimum all 'SA' applications will be referred to the adjoining landowners (generally identified as three (3) 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.

Notwithstanding the above, upon lodgement of the planning application Planning Services may determine that advertising of the proposal in the local newspaper and/or a sign on-site is required. Should an advertising notice be placed in the local newspaper, the applicant will be invoiced for the actual cost of the advertisement as per Council's operative Fees & Charges Schedule.

6.5 Car Parking Requirements

- Holiday Homes (Standard) require a minimum of two (2) on-site car parking bays to be provided, noting these may be provided in a tandem configuration.
- Holiday Homes (Large) require a minimum of three (3) on-site car parking bays to be provided, noting two (2) may be provided in a tandem configuration.

6.6 Access and Manoeuvring Requirements

As a minimum the following construction standards shall apply:

Existing Road Condition	Construction Standard
Where the property fronts an existing gravel road.	<i>The crossover shall be 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.</i>
Where the property fronts an existing sealed (i.e. bitumen/asphalt) road.	<i>The crossover shall be constructed to a sealed standard (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>

Table 4: Accessway, Parking & Manoeuvring Areas	
Zoning of Subject Property	Construction Standard
Residential Special Residential	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>
Rural Special Rural Rural Multiple Occupancy Landscape Protection	<i>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.</i>
Tourist	<i>Construction standard will depend on the location of the property – i.e. if located in Denmark townsite then the construction standard that will be applied is as per 'Residential/Special Residential' zone requirements.</i>

6.7 Length of Stay Provisions

The holiday home may only be rented for a maximum period of three (3) months to any one person in any one calendar year.

6.8 Building Code of Australia Requirements

In accordance with the Building Code of Australia (BCA), a dwelling that is to be used as a holiday home is classified as a Class 1B building, therefore the following provisions will generally apply:

- Provision of hard wired smoke alarms on every storey in every bedroom and passageway; and
- Evacuation lights required in the paths of exit.

When considering the planning application, Building Services will have regard to issues such as the dwelling configuration and layout to determine what requirements will apply in order to satisfy the BCA requirements.

6.9 Fire and Emergency Requirements

A dwelling that is to be used as a holiday home specifically requires the following minimum fire safety measures to be implemented/installed:

- a fire blanket in the kitchen area; and
- fire extinguishers.

A fire and emergency plan will also need to be prepared and will form part of the Property Management Plan (refer Section 6.10).

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6.10 Property Management Plan Requirements/Responsibilities

Prior to the commencement of activities, a Property Management Plan is required to be submitted and approved by Planning Services. Matters that need to be addressed in the Property Management Plan include:

- Details of the appointed property manager;
- Details of how bookings are to be made;
- Duties of the property manager;
- 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 and emergency information details); and
- A Code of Conduct for guests.

To ensure consistency in Property Management Plan details, a proforma Property Management Plan is available from Planning Services.

A condition of Planning Approval for a holiday home proposal will require the applicant to provide a copy of the approved Property Management Plan to adjoining landowners/occupiers as identified by Planning Services.

6.11 Signage

On-site holiday home signage is not permitted with the exception of a 0.2 m² nameplate (i.e. identifies the name of holiday home if relevant) (NB: exempt from Planning Approval).

Business Directional Signs (commonly referred to as 'Blue Signs') are not permitted for holiday home premises.

6.12 Approval Period

Planning Approval for a holiday home is initially granted for a 12 month period, with a renewal application required to be lodged, where if approved Planning Approval will generally be issued for a three (3) year period.

This provision seeks to ensure that 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.

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7. APPLICATION REQUIREMENTS

7.1 New Applications

The following information is required to be submitted to enable an assessment of the Holiday Home proposal:

- Completed 'Application for Planning Consent' form
- Payment of the applicable Planning Application fee as per Council's operative Fees & Charges Schedule
- 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
- Internal and external photos of the dwelling
- A completed Property Management Plan (NB: proforma template is available from Planning Services)
- Accompanying letter outlining the proposal.

7.2 Renewal Applications

- Completed 'Application for Planning Consent' form
- Payment of the applicable renewal Planning Application fee as per Council's operative Fees & Charges Schedule
- Accompanying letter detailing compliance with the conditions of the original Planning Approval and any arrangements that may have changed since the original Planning Approval was granted.

8. ONGOING RESPONSIBILITIES/ADDITIONAL APPROVALS REQUIRED

- Should initial Planning Approval be granted, prior to the premises commencing operations as a Holiday Home the premises must be registered with the Shire of Denmark (Health Services) as a Holiday Home, with fees payable as per Council's operative Fees & Charges Schedule. A registration certificate will only be issued by the Shire of Denmark (Health Services) once all conditions of Planning Approval have been met.

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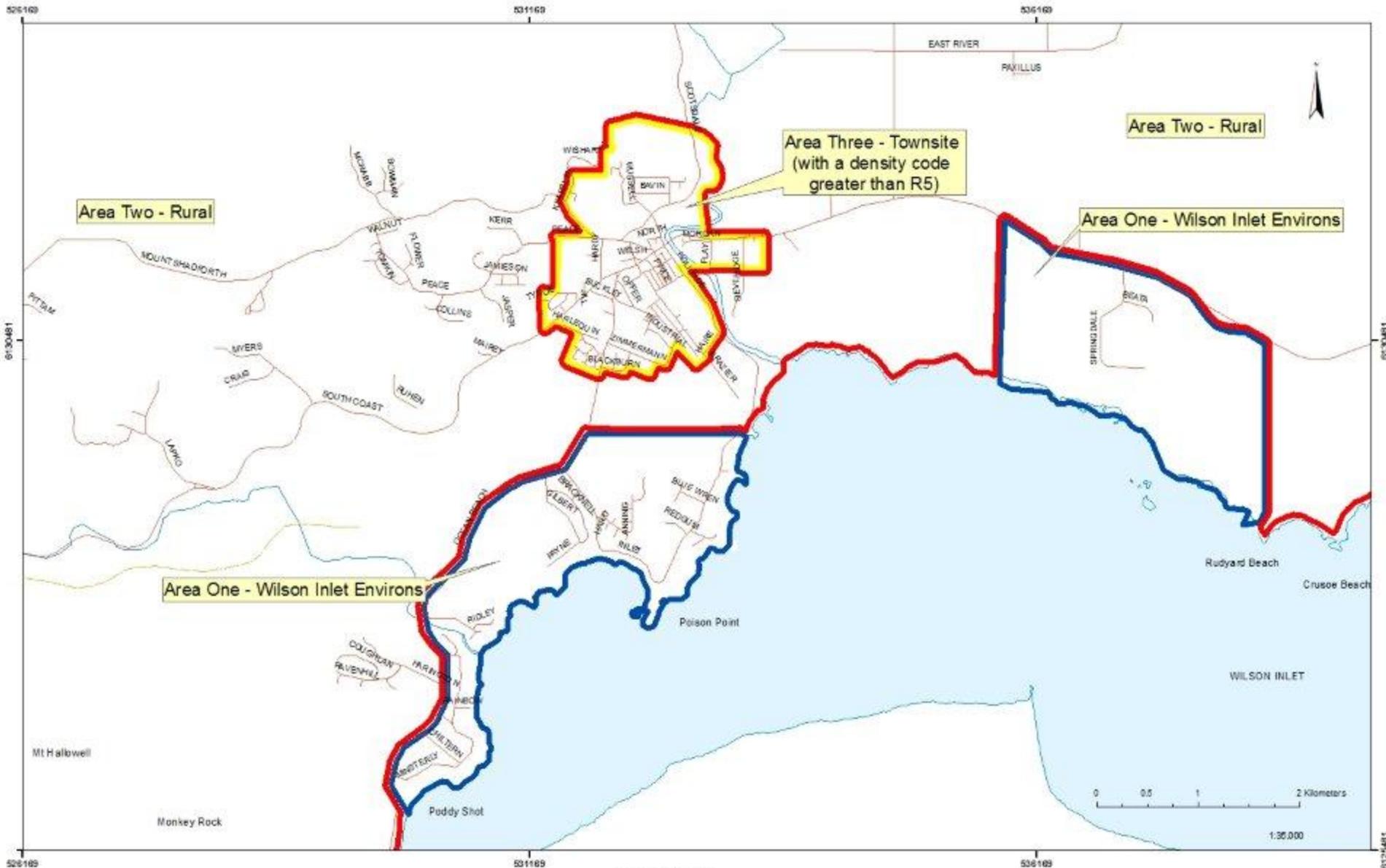
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- Holiday homes require annual registration from the Shire of Denmark (Health Services), with fees applying as per Council's operative Fees & Charges Schedule. Annual registration certificates will only be issued by the Shire of Denmark (Health Services) when all conditions of Planning Approval are being complied with and any valid complaints received have been satisfactorily addressed to the satisfaction of the Shire of Denmark (Planning/Health Services).

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Plan 2 of 2
Legend

Sealed Road

Preferred Areas

- Area One: Wilson Inlet Environs
- Area Two: Rural
- Area Three: Townsite areas with a density code greater than R5

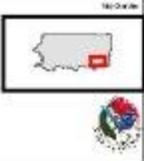
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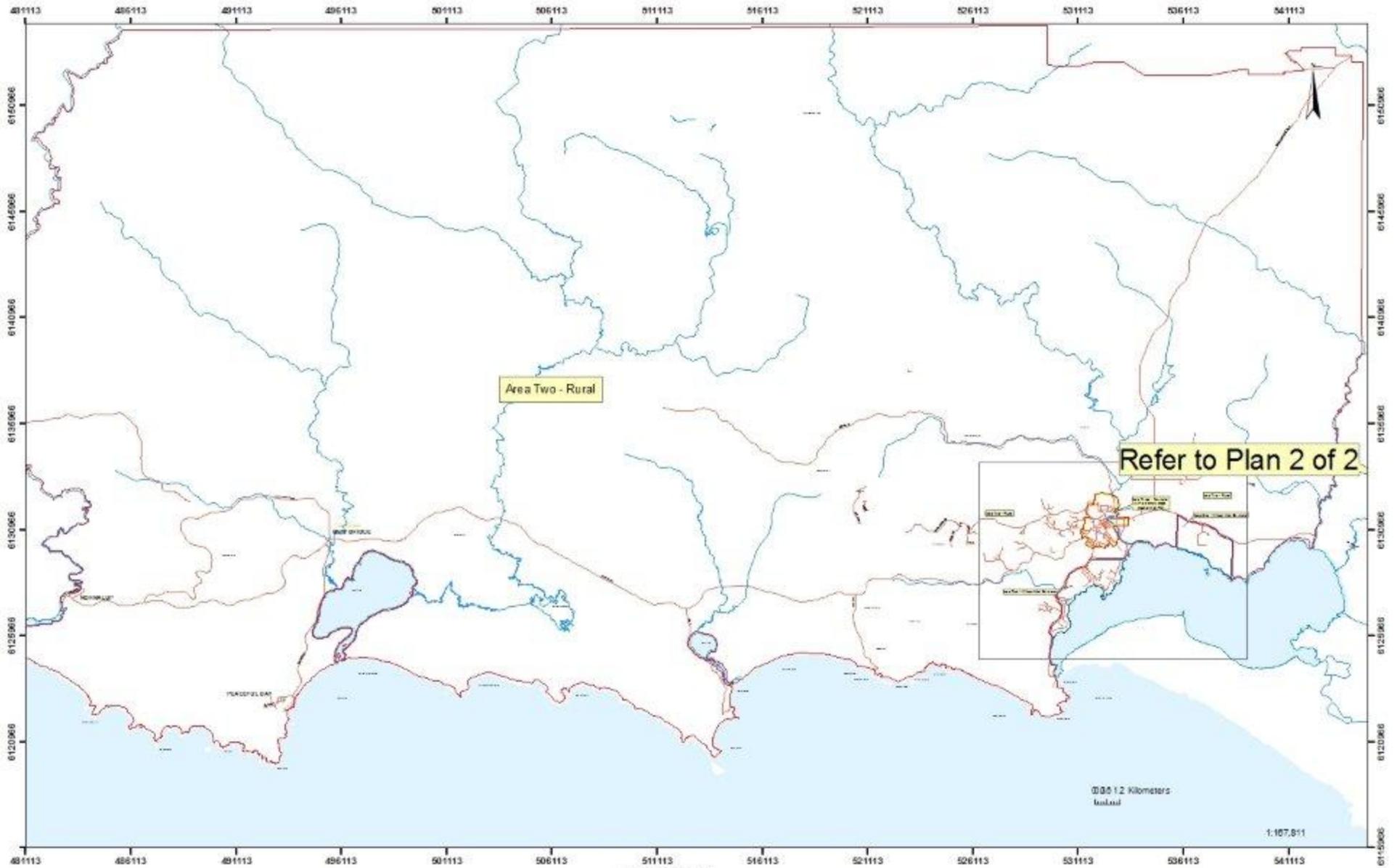
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Shire of Denmark
Preferred Areas for
Holiday Homes
within the Shire of Denmark.





Plan 1 of 2
Legend

Sealed Road

Preferred Areas

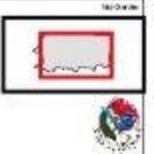
- Area One: Wilson Inlet Environs
- Area Two: Rural
- Area Three: Township areas with a density code greater than RS

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Shire of Denmark
Preferred Areas for
Holiday Homes
within the Shire of Denmark.



HOLIDAY HOME
PROPERTY MANAGEMENT PLAN

PROPERTY ADDRESS: _____

PROPERTY MANAGER DETAILS:

Name: _____

Address: _____

Telephone Number: _____

Email: _____

Details of where bookings are made:

Internet (please specify): _____

Denmark Visitor Centre:

Property Manager:

Other (please specify): _____

It is expected the Property Manager will be based within Denmark and available at all times.

DUTIES OF PROPERTY MANAGER

General Information: The Property Manager will supply readily visible in the kitchen or living area of the home the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route). Other duties include:

- Liaise with tenants for the occupancy and vacation of the premises;
- Ensure the correct maximum number of people is staying overnight in accordance with planning approval conditions;
- Ensure the premise is registered with the Shire of Denmark as a Holiday Home provider;
- Ensure guests are aware of the Code of Conduct;
- Ensure guests are aware of the Fire and Emergency Plan;
- Maintain a register of all people who utilise the premise, available for inspection by the Shire of Denmark upon request;
- Ensure the premise is clean and maintained to a high standard;
- Ensure bed linen is clean and replaced upon tenant vacation;
- Ensure rubbish and recycling bins are put out and collected as required;
- Be on call and available at all times.

DATE: _____

HOLIDAY HOME FIRE AND EMERGENCY PLAN

PROPERTY ADDRESS: _____

FIRE SAFETY INFORMATION:

The following floor plan of premises clearly identifies the location of:

- Hardwired smoke alarms;
- Fire blanket (in kitchen);
- Exit Lighting (if required);
- Fire Extinguishers; and
- External Taps/Garden Hose Locations (if applicable).

Please attach a floor plan for each level of the premise with the above clearly located and identified.

The above information is to be clearly displayed in accordance with the Property Management Plan.

EMERGENCY CONTACT DETAILS:

FOR ALL EMERGENCIES DIAL 000

Property Manager: _____

Denmark Police: 9848 0500

Shire of Denmark: 9848 0300

Denmark Hospital: 9848 0600

EMERGENCY PROCEDURE:

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

ABC Radio: 630AM

FESA: www.fesa.wa.gov.au/alerts
1300 657 209

Shire of Denmark: www.denmark.wa.gov.au

FIRE EVACUATION ROUTE

PROPERTY ADDRESS: _____

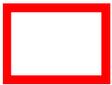
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Map of Locality (Insert).

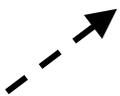
The map of the property is to clearly show (or detail) the nearest Emergency Evacuation Point.

The primary route used to evacuate the locality in the event of an Emergency which must lead to a main road.

LEGEND



Subject Property



Roads to be used in the first instance for Emergency Evacuation

FLOOR PLANS OF PREMISE

PROPERTY ADDRESS: _____

N
↑

UPPER FLOOR PLANS (Insert).

LOWER FLOOR PLANS (Insert).

LEGEND



Hardwired smoke alarms



Fire blanket (in kitchen)



Exit Lighting (if required)



Fire Extinguishers



You are here.

HOLIDAY HOME **CODE OF CONDUCT**

PROPERTY ADDRESS: _____

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

TENANTS: 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: The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

VEHICLE PARKING: The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

SHIRE REGULATIONS: The tenants agree to all Shire regulations, including noise and fire limitations.

PREMISE CONDITION AND CLEANLINESS: 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 stay will be paid for by the tenants.

FIRES: The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

RUBBISH DISPOSAL: The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where your stay coincides with collection days.

Your collection day is: _____

KEYS: 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.

TERMINATION OF ACCOMMODATION: 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 Managers discretion. No refunds will be made.

