



# **TOWN PLANNING SCHEME POLICY NO. 19.5: HOLIDAY HOMES**

**Adopted on the 18 August 2015 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 continuous 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 has led 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.

## 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. 19.5: Holiday Homes ('Policy No. 19.5') has been prepared in accordance with the Scheme.

As per Clause 8.2.4 of the Scheme, Policy 19.5 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 19.5 and the objectives which the policy was designed to achieve before making its determination.

## 3. OBJECTIVES

- To support a diverse accommodation base within the Shire of Denmark.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply.
- To encourage the provision of good quality, well managed holiday homes.
- To ensure that holiday homes are managed and maintained to a high standard.

## 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.

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## 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.

## 6. POLICY STATEMENT CRITERIA

### 6.1 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 1,500m<sup>2</sup>
- 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
- Outdoor living and car parking areas are located and/or screened to protect the visual privacy of surrounding residence

### 6.2 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 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.

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

- Comments/objections based on speculation (such as behaviour of occupants) will not be considered as grounds for refusal in relation to new applications.
- Comments/objections based on the unique site characteristics will be considered in the application and may result in additional conditions of approval (e.g. increased visual privacy screening associated with a balcony area).

Notwithstanding the above, refusal will be considered should the proposal not achieve minimum standards or upon renewal should valid complaints be received during operation in the initial 1 year approval.

### 6.3 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.

### 6.4 Access and Manoeuvring Requirements

As a minimum the following construction standards shall apply:

<b>Table 3: Vehicle Crossover</b>	
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>

<b>Table 4: Accessway, Parking &amp; Manoeuvring Areas</b>	
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 townsites then the construction standard that will be applied is as per 'Residential/Special Residential' zone requirements.</i>

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## 6.5 Length of Stay Provisions

The holiday home may only be rented for a maximum period of three (3) months to one person in any twelve (12) month period.

## 6.6 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.

## 6.7 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).

## 6.8 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 leading to the nearest main road 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.

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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 the immediate adjoining landowners/occupiers as identified by Planning Services. 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.

## 6.9 Signage

On-site holiday home signage is not permitted with the exception of a 0.2 m<sup>2</sup> 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.

## 6.10 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.

## 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

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- 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.
- 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).
- When a property that has a Holiday Home planning approval and associated registration is sold, the new owner(s) are required to undertake one of the following within fourteen (14) days of taking ownership of the property:
  - Advise the Shire of Denmark, in writing, that they no longer intend for the premises to be used as a Holiday Home;

OR

- Submit a new Property Management Plan for approval by Planning Services. A condition of approval of such Property Management Plan may require the owner(s) to provide a copy of the approved Property Management Plan to adjoining landowners/occupiers as identified by Planning Services and modify signage details to include current contact details of the Property Manager where applicable.

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