



### **6.1.5 HOLIDAY HOUSES**

#### **Purpose**

The **purpose** of this Policy is to:

- (i) Provide a set of development requirements for holiday house applications;
- (ii) Establish protocols for effective local management of holiday house operations;
- (iii) Require effective monitoring of holiday house operations to ensure compliance with planning and local management requirements;
- (iv) Standardise the conditions of approval of holiday houses approved under the former Town Planning Scheme No. 2 and former Holiday Accommodation Policy 6.1.41 to ensure all holiday house operations are managed and controlled under the same planning parameters; and
- (v) Provide for a holiday house to automatically revert back to its original dwelling purpose as either the result of non-renewal of an approval or the sale of the property without arrangements having been made for the transfer of the holiday house approval.

#### **Objectives**

The **objectives** of this Policy are to:

- (i) Ensure holiday houses are operated in a manner that does not impact on surrounding residents;
- (ii) Allow for regular updating of management information to assist in emergency management and response to matters that may affect the amenity of surrounding residences; and
- (iii) Recognise the increasing market demand for holiday house accommodation within the Shire of Manjimup and encourage holiday house development that does not adversely impact on residential amenity.

#### **Application of Policy**

This Policy applies to all existing holiday houses / holiday accommodation in a residential dwelling and to any new proposal for a holiday house.

This Policy can also be applied as considered appropriate by the local government to other forms of short stay accommodation associated with a predominant residential use, including bed and breakfast, chalet accommodation and low impact tourist accommodation – short stay.

The Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

### Definitions

For the purposes of this Policy, the following definitions apply in addition to those definitions provided by the Scheme:

**Local Manager / Local Management** means a person or persons nominated as the primary contact and manager of the holiday house and who resides or is otherwise situated within 30 minutes travel time of the holiday house and may be the same person or persons as the Holiday House Permit Holder.

### Background / Issues

Western Australians have a tradition of holidaying in country areas particularly coastal towns. Holiday accommodation in these areas has traditionally included the ability to rent private dwellings on a short-term basis. Additionally, owning a 'holiday home' in a country town has been common place. These 'holiday homes' have in many cases been available for short-term rental for other holiday-makers.

More recently, people have been buying second homes in the country in anticipation of moving to the house for lifestyle, employment or retirement reasons. Many of these houses are used as holiday homes in the interim by the owners and as rental properties for short-term holiday accommodation.

This evolution of some of the State's towns has had a number of economic and social benefits, for example:

- increased occupancy particularly at weekends;
- increased income to the towns;
- additional development supporting local industries;
- diversification of the social characteristics of the town; and
- increased employment.

This activity has occurred probably for more than the past 60 years on a reasonably significant scale without any obvious problems. It is only recently that there have been some questions about this activity and these issues include:

- unfair competition with legitimately zoned operations for tourists;
- adverse impacts within residential areas caused by overcrowding of houses and inappropriate activities of guests; and
- inadequate facilities and parking for guests.

While noting the above, the local government considers that it is preferable to support the operation of holiday houses subject to specific controls to protect residential amenity of the locality in which they are located. However, it is considered prudent that holiday houses are controlled in a manner that reflects their use by occupants that may not be familiar with either the house or the locality in which it is located. Given this, holiday houses are to be approached in a similar manner to purpose-built short stay accommodation rather than as a domestic residence.

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

Domestic residences are controlled in terms of use, scale, and many other factors by the Scheme and the Residential Design Codes of Western Australia, adopted by reference in the Scheme. The purpose of this Policy is to allow domestic residences to be modified so that they can perform the function of short stay accommodation, but in a manner that does not impact on surrounding dwellings.

As a dwelling is not designed for short stay accommodation use, it is necessary to change the use of a dwelling to a holiday house as defined by the Scheme and this Policy. Significant structural changes to the building are not envisaged in most cases. However, there will be a need to ensure the building is 'fit for purpose' as short stay accommodation. This may require certain works to comply with relevant planning, building and health standards. However, mostly the changes needed will reflect how the property is managed on an on-going basis to protect the residential amenity of surrounding properties, as well as ensure an adequate level of service to the holiday house occupants.

This Policy is intended to be applied to the renting of dwellings for a short period of time to a family or group of persons known to one another. The local government do not consider this Policy for the definition of a Holiday House to apply to the use of dwellings for backpackers accommodation or similar. Given this, a condition of approval will be placed on a Holiday House to ensure it is occupied at any one time by a single group of persons known to one another.

This Policy recognises that in many cases, a holiday house will revert to a domestic residence at some point in time. Therefore, the Policy will provide for annual renewal of the holiday house approval. In the event that approval is not renewed, the predominant use of the building will revert from 'holiday house' to 'dwelling'. The Policy will also provide for the automatic reverting for properties that have been sold and where no request for transfer of the holiday house approval has been sought.

**Policy Measures**

**Change of Use**

An application for a holiday house will be considered as a change of use from 'dwelling' to 'holiday house' under clause 4.19 of the Scheme.

This change in the purpose for which a property can be used will be conditional on annual renewal. In the event renewal of the holiday house approval is not undertaken, the use for which the land can be used will automatically revert from 'holiday house' to 'dwelling'.

In the event that the property subject to a holiday house approval is sold, the use will revert to 'dwelling' unless written approval from the local government to transfer the approval to the new owner has been granted.

Any transfer of an existing holiday house approval to a new owner will be subject to demonstrating full compliance with the provisions of this Policy.

### Local Management

Notwithstanding the residential location of the holiday house permit holder, local management of the day-to-day operations of the holiday house will be a condition of all approvals.

A local manager / local management will be defined by this Policy as meaning a person or persons responsible for managing the holiday house and who resides or is otherwise situated within 30 minutes travel time of the holiday house.

A local manager is to be able to immediately respond to any matters raised by either guests, neighbours, local government or emergency services at all times the holiday house is occupied.

The contact details of the local manager are to be provided to holiday house guests and be displayed in a prominent location within the holiday house together with other relevant information required by this Policy.

The particulars and contact details of the local manager are to be provided to the local government at the time of application and upon each renewal. The local government may provide these details to third parties, including neighbouring residents and/or emergency services.

The holiday house permit holder may nominate themselves as the local manager only where they reside within 30 minutes travel time of the holiday house.

In the event of a change in the local management of a holiday house, the local government will be notified of the change immediately in writing. Each annual renewal will be subject to renomination of the local manager, with current contact details to be provided with each renewal application.

The local government may revoke or suspend any holiday house permit in the event that a local manager is not nominated or is found to no longer be able to meet the requirements of this Policy. Any reinstatement of a suspended holiday house permit will be subject to the local government being satisfied that local management has been reinstated.

Operation of a holiday house without an approved local manager is not permitted and will trigger revocation or suspension of the holiday house permit.

### Management Plan

An application for a holiday house is to be supported by a management plan made in accordance with this Policy.

A management plan is to outline how the holiday house is to be operated and managed on an ongoing basis.

The management plan is to include, as a minimum:

- (a) Property details;

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

- (b) Holiday house Permit Holder / Property Owner details;
- (c) Number of bedrooms in the holiday house, together with a scaled floor plan of the holiday house showing areas that are to be available to guests and any areas that will not be accessible;
- (d) Maximum number of guests able to be accommodated by the holiday house;
- (e) If pets of guests are to be accommodated at the premises, and if so, details of how are these to be secured needs to be provided;
- (f) Location and number of car parking spaces;
- (g) Details of water supply (i.e. scheme water, on-site tanks, bore, etc);
- (h) Method of booking the accommodation (i.e. online, management agent, visitor's centre, etc);
- (i) Method of key collection / drop-off;
- (j) Local manager details as required by section 3.2;
- (k) Cleaning and servicing arrangements, including rubbish disposal;
- (l) The standard of the cross over, driveway and car parking allocation on the site;
- (m) Location and type of smoke alarms; and
- (n) Level of compliance with the local government fire break and fuel hazard reduction notice requirements.

The management plan is to use the format provided for in Appendix A of this Policy.

A copy of the approved management plan is to be endorsed by the local government and provided to the Permit Holder when a holiday house is approved.

The Permit Holder is to advise the local government of any changes to the management plan at the time of annual renewal of the holiday house approval.

**Emergency Response Plan**

An application for a holiday house is to be supported by an emergency response plan made in accordance with this Policy.

The emergency response plan is to outline how guests are to respond to an emergency situation and is to assume all guests have no local knowledge to assist them in an emergency.

The local manager and/or permit holder is responsible for ensuring all guests are made aware and understand the content of the emergency response plan.

The emergency response plan is to be based on the pro forma and example contained in Appendix B of this Policy and is to include as a minimum:

- (a) Emergency Contact Details for "000" and State Emergency Service;
- (b) Location and contact details of the nearest hospital;

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

- (c) The legal property address that is used by emergency services to locate the premises;
- (d) The nearest cross street to assist emergency services in locating the premises;
- (e) The fire brigade area and local government area in which the property is situated;
- (f) Information on mobile phone / data coverage and the phone number of any phone line connected to the premises;
- (g) Details of the most likely emergency situations that may affect the property (i.e. bushfire, structural fire, storm damage, flooding, etc);
- (h) Radio frequency of the local emergency radio broadcaster;
- (i) Floor plan showing exits and location of any provided fire fighting and/or first aid equipment;
- (j) Route plan showing escape routes from the property to the nearest town or emergency evacuation point; and
- (k) Any other information that is considered necessary for guests to be aware of, such as the presence of local environmental hazards.

The emergency response plan is to be displayed in a prominent location within the holiday house and is to clearly contain the information required by this Policy.

If the holiday house is located in an area without mobile phone coverage, a “land-line” telephone connection is to be provided and maintained at all times to allow for emergency use.

**Number of Guests**

All guests occupying a Holiday House at any one time are to be known to one another and be members of a single booking party. The use of an approved Holiday House for backpackers or lodging house accommodation is not permitted.

The maximum number of guests will be calculated on two (2) persons per bedroom.

Holiday houses will be limited to a maximum of six (6) persons, who are known to each other. Application to accommodate more than 6 persons, or persons who are not known to each must be treated as an application for a lodging house.

Where a holiday house is partly occupied by a permanent caretaker / manager, the number of permanent residents will be taken into account when setting the maximum number of guests.

Holiday House Permits will stipulate the maximum number of guests permitted. The local government will revoke or suspend a Holiday House Permit where it is satisfied that the number of guests has exceeded the stipulated maximum. Unless otherwise requested by the Applicant and approved by the local government, all Holiday House Permits will be limited to a maximum of six (6) persons (i.e. holiday house (standard)) as a default position.

### Car Parking and Access

The operation of a holiday house should not require car parking or access or generate vehicle movements over and above that normally provided for a residential dwelling. Car parking is to be provided at a rate of one (1) space per three (3) guests, or part thereof, with a minimum of two (2) spaces.

Car parking space dimensions and layout are to be in accordance with the *Residential Design Codes of Western Australia*.

The following car parking, driveway and crossover standards relate to holiday houses:

- (a) For properties zoned 'Town Centre' or 'Residential' with a density code of R10 or higher, car parking spaces, access driveway and verge crossover are to be drained and either sealed, paved or concreted to the specifications of the local government;
- (b) For properties zoned 'Residential' and with a density code of R5 or lower, car parking spaces and access driveway may remain unsealed (i.e. gravel surface) where the majority of driveways within the street are similarly unsealed., Unsealed driveways are to be constructed to allow all weather access by a two-wheel-drive vehicle. The verge crossover is to be constructed to a sealed standard to the specifications of the local government;
- (c) Notwithstanding (a) above, properties located within the Pemberton Timber Mill Workers Cottages Precinct are not required to seal, pave or concrete car parking areas, driveways or verge crossovers; and
- (d) In all other zones, car parking areas and access driveways may remain unsealed (i.e. gravel surface), but constructed to allow all weather access by a two-wheel-drive vehicle. Where the verge crossover is onto a sealed road, it is to be constructed to a sealed standard to the specifications of the local government.

The street number / property address of the holiday house is to be clearly shown as follows:

- (a) For holiday houses within Town sites, the street number is to be displayed on a letterbox, front fence or front wall of the holiday house, as appropriate so as to be clearly seen from the street;
- (b) For holiday houses outside of town sites, the rural property address number is to be displayed on a standard green rural street address post at the crossover location; and
- (c) For holiday houses in Windy Harbour, the site number to be displayed on or near the front door.

### Signage

As holiday houses are intended to utilise residential dwellings in a relatively unmodified manner, there is a presumption against the erection of advertising signs that would not normally be displayed in a residential setting.

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

One (1) sign with an area no greater than 0.2m<sup>2</sup> can be displayed at the holiday house premises. Such signage is to be placed on or within the property boundary and be compliant with Shire of Manjimup Local Planning Policy LPS4 6.1.4 *Advertisements*.

To ensure against undesirable visual impact and road safety implications, directional and advertising signs located upon road reserves managed by the local government or Main Roads Western Australia are not permitted for holiday houses.

**Building Approval Requirements**

All holiday houses are to be reclassified under the Building Code of Australia as a condition of the Holiday House Permit.

Holiday houses are not to operate without a Certificate of Occupancy having been granted under the *Building Act 2011* or subsequent legislation.

**Environmental Health Requirements**

All holiday houses are to be connected to a potable water supply approved by the local government. Where reticulated scheme water is not available, the requirements of clause 5.24 of the Scheme will apply.

All holiday houses are to be connected to sewerage or an on-site effluent disposal system approved by the local government.

Where a holiday house intends to utilise an existing on-site effluent disposal system, the local government will assess the adequacy of the system in the light of the proposed maximum number of guests. Any upgrading of the system required to cater for the proposed maximum number of guests will be required as a condition of the Holiday House Permit.

Where the maximum number of guests for a holiday house is six (6) or less, no approval under the *Health Act 1911*, or subsequent legislation will be required.

Where the maximum number of guests for a holiday house (large) is seven (7) or more, annual inspection and approval under the *Health Act 1911*, or subsequent legislation will be required in addition to the Holiday House Permit. Additional requirements to operate as a 'lodging house' may be imposed over and above the provisions of this Policy.

**Guest Register**

The Local Manager will maintain a register of all guests containing the following information:

- (a) Name, address and contact details of the hirer;
- (b) Number and names of any additional guests; and
- (c) Length of stay.

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

## **Administration**

### **Form of Application**

An initial application for a Holiday House Permit is to take the form of an Application for Planning Approval as provided for by Part 9 of the Scheme and include the following additional information:

- (a) Completed Management Plan; and
- (b) Completed Emergency Response Plan.

An application for annual renewal of a current Holiday House Permit is to be in the form provided at Appendix C of this Policy.

### **Advertising of Initial Application**

Advertising of an initial application for a holiday house is to be undertaken in accordance with Local Planning Policy LPS4 6.1.2 *Advertising of Planning Proposals*.

### **Issue of Holiday House Permit**

A Holiday House Permit is to take the form of a conditional development approval granted under Part 10 of the Scheme and include Certification as provided at Appendix D of this Policy.

Where an initial application for a holiday house is assessed as compliant with the provisions of this Policy and any other relevant Scheme or Local Planning Policy provision, and no objections have been received during consultation, a Holiday House Permit may be granted by the Chief Executive Officer under delegated authority under clause 11.3 of the Scheme.

An application will be considered at an Ordinary Meeting of Council where an objection based upon a material planning matter has been received during consultation.

### **Renewal of Holiday House Permits**

Annual renewal of a current Holiday House Permit may be granted by the Chief Executive Officer under delegated authority under clause 11.3 of the Scheme where:

- (a) The local government is satisfied that local management of the premises is being provided in accordance with this policy;
- (b) The local government is satisfied that the Management Plan and Emergency Response Plan required by this policy remain satisfactory;
- (c) The application for renewal has been received either prior to expiry of the current approval, or within one (1) month of the expiry date; and
- (d) There has been no cause to suspend the Holiday House Permit within the 12 month period immediately prior to the renewal date.

When considering renewal of a Holiday House Permit, the local government may request the Permit Holder allow an inspection of the premises to ensure compliance with this Policy.

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

Advertising of renewals will not be normally required. However, the local government may determine consultation is required in order to be satisfied that the holiday house is operating in accordance with this Policy and any conditions of the Holiday House Permit.

**Suspension of Permit**

The local government may issue a Notice of Suspension of a Holiday House Permit where it is satisfied that a breach of this Policy or the Holiday House Permit conditions has occurred.

A Notice of Suspension will be in writing and served upon the Permit Holder.

The local government will provide details of the breach that has occurred within the Notice of Suspension and indicate, if appropriate, how the breach can be rectified to allow the Holiday House Permit to be reinstated. Operation of a holiday house whilst a Notice of Suspension remains in place constitutes a contravention of the Scheme under clause 11.4.

The local government may reinstate a Holiday House Permit once it is satisfied that the holiday house can operate in accordance with the provisions of the Policy and the conditions of the Holiday House Permit. Reinstatement of a Holiday House Permit will be in writing and served upon the Permit Holder.

**Revocation of Permit**

Revocation of a Holiday House Permit shall only occur once a Notice of Suspension has been issued and the local government is satisfied that the breach of the Policy is of a nature that prevents rectification.

Revocation of a Holiday House Permit will require consideration at an Ordinary Meeting of Council.

Any revocation of a Holiday House Permit shall be in writing and will provide a right of review under clause 10.11 of the Scheme.

**ADOPTED – 8 December 2016**

**EFFECTIVE – 21 December 2016**

**NEXT DUE FOR REVIEW – December 2020**

<b>The Administration of this Policy is by Development and Regulation Division.</b>
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6. **LOCAL PLANNING POLICIES**

6. **Local Planning Policy**

**LPS4 6.1.12 Holiday Houses**

**APPENDIX A  
MANAGEMENT PLAN TEMPLATE**

<b>Property and Permit Holder Details</b>	
Holiday House Address	
Holiday House Permit Holder (i.e. Property Owner)	
Permit Holder's Residential Address (i.e. Not a PO Box)	
Permit Holder's Postal Address (If not same as residential address)	
Permit Holder's Daytime Contact Number(s)	
Permit Holder's Email	

<b>Local Manager's Details</b>	
Name of Manager	
Residential Address (i.e. Not a PO Box)	
Postal Address (If not same as residential address)	
Day Time Contact Number	
All-Hours Contact Number (To be made available to guests)	

<b>Management Details</b>	
Number of Guest Bedrooms (Attach scaled floor plan showing areas available to guests and any areas not accessible).	
Maximum number of guests able to be accommodated at the premises.	
Will pets be accommodated? If so, please provide details of how these will be secured.	
Location and number of car parking spaces available to guests inside the property.	
How is water supplied to the premises? If an on-site water supply is provided, provide details of type and capacity.	

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

Detail the method of guest booking.	
Detail the method of key collection / drop off.	
Detail the cleaning and servicing arrangements.	
Detail rubbish disposal arrangements.	
Will signage be displayed at the property? If so, provide details, including location, size and design.	

<b>Other Comments on Management</b>

**APPENDIX B**  
**EMERGENCY PLAN TEMPLATE**

**A copy of this information is to be displayed in a prominent location in the holiday house for guests to refer to in the event of an emergency.**

<b>Property Details</b>	
Legal property address <i>This is the formal property street address and locality as shown on the Certificate of Title.</i>	
Nearest road intersection	
Local Government Area	Shire of Manjimup
Land line telephone number <i>If a land/fixed telephone is connected to the premises.</i>	
Is there mobile phone / data coverage available. If so, which telcos?	

<b>Emergency Contacts and Information</b>	
National Emergency Service Number <i>Police, Ambulance, Fire</i>	000
State Emergency Service Assistance <i>Non-emergency</i>	132 500
Emergency Information <i>Phone and Website</i>	1300 657 209 www.dfes.wa.gov.au
Radio frequency of the official local emergency radio broadcaster <i>i.e. ABC Local Radio</i>	
Nearest Emergency Muster Point / Evacuation Centre <i>Include route map if required.</i>	

<b>Nearest Hospital Information (24hr Emergencies)</b>	
Name	
Address	
Distance from Holiday House	
Telephone Number	

<b>Bush Fire Brigade Information (if outside of a Townsite or settlement)</b>	
Name of local brigade	
Name of local fire control officer	
Phone number for local fire control officer	

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

<b>Site Specific Emergency Matters</b>	
Any Site Specific Emergency Situations that may occur that guests should be made aware of?	
	<input type="checkbox"/> Flooding
	<input type="checkbox"/> House Fire
	<input type="checkbox"/> Bush Fire
	<input type="checkbox"/> Snakes
	<input type="checkbox"/> Mosquitos
	<input type="checkbox"/> Other

<b>Other Matters</b>

**APPENDIX C**  
**APPLICATION FOR RENEWAL OF HOLIDAY HOUSE PERMIT**  
**1 JULY 20\_\_ - 30 JUNE 20\_\_**

<b>Property and Permit Holder Details</b>			
Holiday House Address			
Holiday House Permit Holder			
Permit Holder's Residential Address (i.e. Not a PO Box)			
Permit Holder's Postal Address (If not same as residential address)			
Permit Holder's Daytime Contact Number(s)			
Permit Holder's Email			
Date Permit first granted		Permit Number	

<b>Local Manager's Details</b>			
<b>Do the local management details as previously approved remain correct?</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"><b>Yes</b></td> <td style="width: 50%; text-align: center; padding: 5px;"><b>No</b></td> </tr> </table>	<b>Yes</b>	<b>No</b>
<b>Yes</b>	<b>No</b>		
<b>If No, please complete the following:</b>			
Name of New Local Manager			
Residential Address (i.e. Not a PO Box)			
Postal Address (If not same as residential address)			
Day Time Contact Number			
All-Hours Contact Number (To be made available to guests)			
<i>Note: Any new local manager nominated by the Permit Holder will be subject to approval by the Shire of Manjimup in accordance with Local Planning Policy LPS4 6.1.5 'Holiday Houses'.</i>			

<b>Management Plan</b>			
<b>Are you requesting modification of the approved Management Plan?</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"><b>Yes</b></td> <td style="width: 50%; text-align: center; padding: 5px;"><b>No</b></td> </tr> </table>	<b>Yes</b>	<b>No</b>
<b>Yes</b>	<b>No</b>		
<b>If Yes, please complete a new Management Plan Template Form for approval.</b>			
<i>Note: Any modification to the approved Management Plan will be subject to approval by the Shire of Manjimup in accordance with Local Planning Policy LPS4 6.1.5 'Holiday Houses'.</i>			

**SHIRE OF MANJIMUP**  
**6. Local Planning Policies**  
**6.1.5 Holiday Houses**

<b>Emergency Response Plan</b>	
<b>Are you requesting modification of the approved Emergency Response Plan?</b>	<b>Yes</b> <b>No</b>
<b>If Yes, please submit a new Emergency Response Plan for approval.</b>	
<i>Note: Any modification to the approved Emergency Response Plan will be subject to approval by the Shire of Manjimup in accordance with Local Planning Policy LPS4 6.1.5 'Holiday Houses'.</i>	