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| Council Policy No.: | |
| Policy Name: | Holiday House – Development Requirements Local Planning Policy |
| Objective: | <i>To provide a framework for the assessment and approval of a Holiday House</i> |
| Key Words | <i>Holiday House</i> |
| Statutory Compliance | <i>Local Planning Scheme</i> |

1 Objectives and definitions

1.1 Objectives

The objectives of this policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday houses for tourism accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- 1.1.2 To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday house rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

2 Planning application and approval considerations

2.1 Requirements for Bushfire Attack Level Assessment

Where development is proposed to be located within a bushfire prone area a Bushfire Attack Level Assessment must be prepared and lodged with a development application.

2.2 Development in BAL-40 and BAL-Flame Zone

Where a Bushfire Attack Level Assessment of BAL-40 and BAL-Flame Zone applies and the rating cannot be reduced it is considered inappropriate for a Holiday Home land use and an application for development approval will be refused.

2.3 Electrical Safety Certificate

An Electrical Safety Certificate must be prepared and lodged with a development application or alternatively may be conditioned where smoke alarms have not yet been installed. Where conditioned this condition must be satisfied prior to the commencement of the use.

2.4 Grouped or multiple dwellings

The use of grouped or multiple dwellings will generally not be supported for holiday house accommodation given the potential impacts on adjoining residents, unless all owners/strata owners are in agreement.

Any Application for Development Approval form will need to be signed by all strata owners or the body corporate regardless.

3 Approval conditions

Conditions in relation to the approval of applications for holiday house will include the following.

3.1 Management

A holiday house management plan should be submitted as part of the planning application and prior to the commencement of business.

The management plan will include:

- Nomination of a local manager/caretaker within the vicinity of the property. Where properties are remote from a town site or CBD, alternative arrangements for a manager/caretaker may be considered.
- Details of how nuisance issues such as noise will be addressed by the manager.
- A fire and emergency response plan

Other matters such as car parking provision, signage, the number of people occupying the premises, maximum period of stay can be imposed as part of the planning approval and subsequently enforced pursuant to the *Planning and Development Act 2005*.

A condition will be placed on all development approvals requiring that the applicant provide adjoining landowners with a copy of the Property Management Plan.

3.2 Fire and emergency response plans

In all cases, an emergency response plan (i.e. fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

3.3 Smoke Alarms and Fire Safety

- A hard wired smoke alarm must be installed on or near the ceiling;
 - (a) in every bedroom; and
 - (b) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
 - (c) on each other storey.
- A fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851; and
- Outside barbeques are to be gas or electric.

3.4 Evidence of Conditions Compliance

A Certificate of Building Compliance is to be provided demonstrating compliance with Sections 3.3 of this Local Planning Policy.

3.5 Non-compliance and cancellation

Any breach of approval conditions or the management plan can be dealt within accordance with the enforcement provisions of local planning schemes and/or cancellation of a registration. A new application may be considered after a 12 month period. A breach of a planning approval may be

brought to the attention of local government as a result of an inspection or report by local government staff, a police report or by a member of the public.

4 Other matters

It is recommended that landowners/ managers seek independent legal advice on legislative requirements regarding the use and management of holiday houses. This would include, but is not limited to, checking the requirements of the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

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.