



SHIRE OF SHARK BAY LOCAL PLANNING POLICY NO 1 – HOLIDAY HOUSES IN RESIDENTIAL AREA'S

1.0 WHAT IS A HOLIDAY HOUSE?

A holiday house is defined in the Shire of Shark Bay Local Planning Scheme No 4 as *'means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'*.

In other words it is a house that is rented out for short periods, such as to people on holidays.

It does not include a private home that is used exclusively by the owners for their own holidays.

Under the Scheme, the term 'short term accommodation' means *'temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.'*

2.0 OBJECTIVES

Holiday houses are an important aspect of the tourism industry in the Shire of Shark Bay and many have been established over a long time period in the Denham townsite.

The objectives of this Local Planning Policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday houses for tourism accommodation and provide guidance on the planning application requirements.
- 1.1.2 To ensure that short stay use of residential houses occurs within appropriate locations and are managed to mitigate land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday houses are registered with the Shire in accordance with relevant legislation, and are appropriately managed and maintained to be compatible with the amenity of the locality.

3.0 SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4

The Shire may permit a Holiday House within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.

Planning approval for all holiday houses needs to be obtained from the Shire.

4.0 PLANNING APPLICATION REQUIREMENTS

The following information needs to be lodged to apply to the Shire:

Applicant Checklist	Documents for Lodgement
	1. A planning application form signed by the owner of the land – <i>Attachment 1</i> .
	2. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.
	3. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).
	4. A detailed letter / written submission that explains: <ul style="list-style-type: none"> - The maximum number of persons that the dwelling will accommodate at any one time; - Maximum length of stay for guests; - Maintenance and cleaning arrangements; - Photographs of parking areas and photographs of the internal house layout. - If the lot is connected to sewer. - If the lot is not connected to sewer information on the location and size of effluent disposal will need to be provided (refer Section 5.6).
	5. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager. An example Management Plan template is included as <i>Attachment 2</i> .
	6. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers. An example Fire and Emergency Response Plan template is included as <i>Attachment 3</i> .
	7. Payment of a planning application fee on lodgement of the planning application. The Shire's annual fees and charges can be viewed on the website – www.sharkbay.wa.gov.au (Council/Public Documents/Fees and charges).

5.0 POLICY REQUIREMENTS

5.1 LOCAL MANAGEMENT

This Policy requires that there be local management of the day-to-day operations of any holiday house.

There needs to be a manager, caretaker or a contactable employee of the Manager that permanently resides in Denham townsite or within one hours drive of Denham townsite.

A local manager needs to be available 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 (as part of the Management Plan) and upon each renewal.

The Shire of Shark Bay 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 1 hours travel time of the holiday house.

In the event of a change in the local management of a holiday house, the Shire of Shark Bay is to be notified of the change immediately in writing.

5.2 CAR PARKING AND ACCESS

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.

Council may allow a single bedroom holiday house to be serviced by one car parking bay, where the number of guests are limited.

Car parking space dimensions and layout are to be generally in accordance with the Australian Standard 2890.1 (as amended).

All crossovers that relate to Holiday Houses shall be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy – refer *Attachment 4*. A crossover is the part of the driveway from the kerb line to the front property line. It connects your property to the edge of the road – refer *Figure 1*.

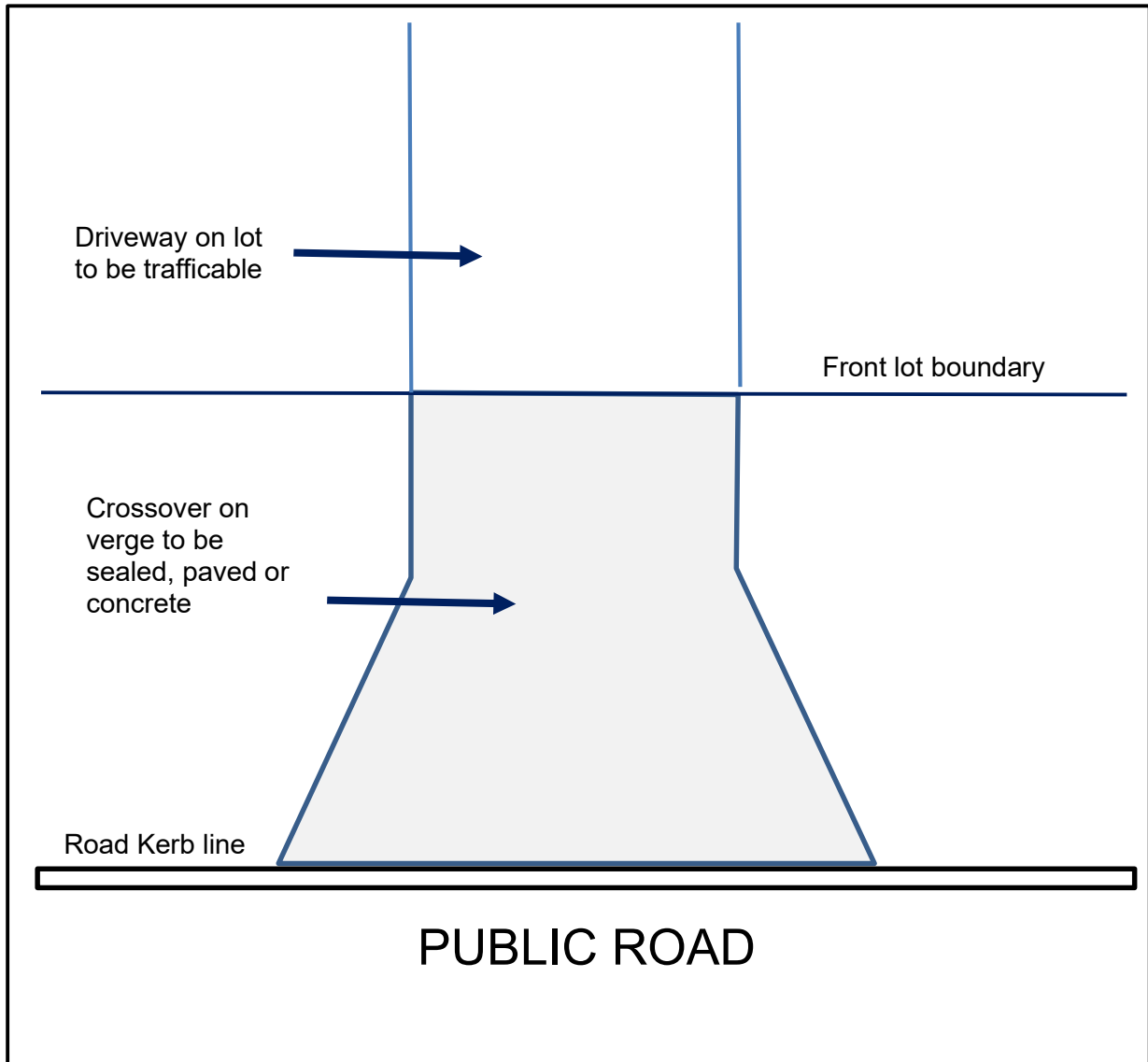


Figure 1

A driveway (and car parking) within the lot boundary can be any material as long as it is trafficable (eg compacted dirt, shell grit, blue metal, gravel, slabs etc).

5.3 FIRE AND EMERGENCY PLAN

Applicants shall lodge a Fire and Emergency Plan with their planning application, as outlined in Section 4.0 of this Policy. The Fire and Emergency Response Plan should include a fire escape route map, emergency contact details, cyclone information, provision and location of a fire extinguisher or fire blanket, and full contact details of the property manager.

To maximise the safety of guests, this Policy requires all holiday houses to:

1. Include a working fire extinguisher on site at all times;
2. Display a Fire and Emergency Plan in a prominent place within the holiday house, and a laminated fire escape route map on a prominent wall/ vertical surface in the holiday house.
3. Have an outdoor hose.

Although not mandatory applicants may consider additional mitigation measures such as keeping fire blankets on site.

Owners/ applicants need to be aware that hardwired smoke alarms may be required at the separate building process / certificate stage.

5.4 LANDSCAPING

Where landscaping forms part of the character of an existing streetscape then holiday houses should also include landscaping to blend in and contribute to the existing streetscape.

The Shire supports the use of water wise species and requires any garden beds to have a minimum width of 1 metre, unless proposed between a driveway and side lot boundary.

If existing or proposed landscaping is considered insufficient, the Shire may require lodgement of a detailed landscaping plan with any planning application, or as a condition of any approval. Conditions may be imposed on any approval or renewal to require landscaping to be upgraded and maintained.

Extensive hardstand and gravel areas without any landscaping should be avoided unless it is consistent with the character already established in an existing streetscape.

The Shire encourages holiday houses to aim to have a positive impact towards residential streetscapes.

5.5 ADVERTISING SIGNS

Advertising signage associated with a Holiday house shall have a maximum area of 0.2m² and be fully located within the lot boundary. Advertising signs are not compulsory however if a sign is proposed, owners are encouraged to include the managers contact details on signage.

5.6 TEMPLATES / ATTACHMENTS

This Policy includes example templates for ease of convenience of applicants. The templates are an example only and can be modified and tailored by applicants to best suit the proposed management and operation of each holiday house.

The templates are provided to assist explain the type of information and matters that need to be examined and addressed by applicants.

This Policy includes the following attachments:

No.	Description	Document can be modified by Applicant
Attachment 1	Planning Application Form (Statutory Form)	No
Attachment 2	Example Management Plan template	Yes
Attachment 3	Example Fire and Emergency Response Plan	Yes
Attachment 4	Shire's Crossover Policy	No
Attachment 5	Frequently Asked Questions	No

6.0 GENERAL INFORMATION

Part 6 does not form part of the Policy requirements and is general information.

6.1 PLANNING APPLICATION PROCESS

All documents and fees are lodged with the Shire of Shark Bay. The Shire refers applications to an external planning consultant for initial preliminary assessment and processing.

All applications are advertised to surrounding and nearby landowners for 14 days, including owners of any vacant lots in the area.

Once consultation has been completed, a report on the application will be referred to Council for determination. Council meetings are held monthly and the dates are published on the Shires website – www.sharkbay.wa.gov.au

Applications are advertised before a report is prepared for Council. It is therefore not guaranteed that an application will be referred to Council in the same month that it is lodged.

6.2 WHAT THE SHIRE ASSESSES

Under Clause 32.15.3 of the Scheme, Council may have regard for the following matters when determining an application for planning approval for a Holiday House:

- (a) A Management Plan adequately demonstrates that the landuse will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;
- (b) A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;
- (c) A Fire and Emergency Response Plan comprehensively addresses fire safety;
- (d) The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction;

- (e) The desirability to encourage holiday house's close to the Denham Town Centre;
- (f) The size of the lot and density of development in the surrounding area;
- (g) The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;
- (h) The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines;
- (i) The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment;
- (j) The provision of hard wired smoke alarms, fire blankets and fire extinguisher.
- (k) Where the lot is not connected to sewer, the adequacy of on site effluent disposal for the proposed number of guests.

6.3 TERMS OF APPROVAL

The approval period for successful applications will be limited to 12 months initially.

Council has discretion to issue renewal applications for periods of one year, 3 years or up to a maximum of 5 years as deemed appropriate.

Planning approval for a Holiday House is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.

Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled. Any new owner can lodge a new planning application to the Shire for consideration.

6.4 HOLIDAY HOUSE REGISTER

All holiday houses must be listed on a Shire Register to be comply with the Scheme. The Shire will maintain a Holiday House register based on planning applications that are approved by Council.

The Shire will automatically enter the address and details of a Holiday House onto the Register when a formal planning approval is issued.

The Register will be available for viewing at the Shire Office.

6.5 ENVIRONMENTAL HEALTH REQUIREMENTS

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

Applicants will need to provide information on effluent disposal as part of the planning application. If a holiday house is proposed on a lot that is not connected to deep sewer then the applicant will need to provide the Shire with information on the location and size of the existing effluent disposal system. The onus is on the applicant to demonstrate that the system

is adequate for the number of occupants, and the size of the system may need to be calculated by a licenced plumber.

If a system needs to be upgraded or replaced then a separate 'Application to construct or install an apparatus for the treatment of sewerage' needs to be lodged to the Shire of Shark Bay, and will be processed by the Shire's Environmental Health Officer. Any upgrading of the system required to cater for the proposed maximum number of guests may be required as a condition of any approval.

The application may need to be forwarded to the Health Department of WA for approval, depending on the maximum daily volume of wastewater estimated at full occupancy.

Where the maximum number of guests for a holiday house is six (6) or more, annual inspection and a Lodging House approval under the Health Act (Miscellaneous Provisions) 1911, will be required in addition to any planning approval.

Additional health requirements to operate as a 'Lodging House' may be imposed over and above the provisions of this Policy.

6.6 BUILDING REQUIREMENTS

If the building was approved as a dwelling then that falls under the building classification of Class 1a. A separate building permit or certificate can be required for any permanent change of a building's use or classification.

A holiday house that has been granted planning approval by the Shire should not be occupied until the appropriate building certificate / approval has been obtained. Owners will need to liaise with a private building certifier to ensure buildings comply prior to occupation.

The building certifier will determine which building classification applies and the need for any separate building permit or building certificate.

7.0 FREQUENTLY ASKED QUESTIONS

Additional information on common questions is included as *Attachment 5*. Attachment 5 provides general information and does not form part of the Policy requirements.

8.0 RECORD OF COUNCIL APPROVAL OF LOCAL PLANNING POLICY

Description	Enabling Legislation
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the 19 December 2018 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the 30 September 2020 for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 2.0
Scheduled Internal Review Date	12 months after operation.

ATTACHMENT 1 – PLANNING APPLICATION FORM

Clause 62(1)(a) – Planning and Development (Local Planning Schemes) Regulations 2015

Owner details		
Name:		
ABN (if applicable):		
Address:		
.....		Postcode:
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
Contact Person for correspondence:		
Owners Signature:	Date:	
Owners Signature:	Date:	
<i>The signature(s) of the owner(s) is required on all applications. This application will not proceed without that signature. For the purpose of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		
Applicant details (if different from owner)		
Name:		
Address:		
.....		Postcode:
Phone:	Fax:	Email:
Work:
Mobile:		
Contact Person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Applicant Signature:	Date:	
Print Name:	Date:	
Property details		
Lot No:	House/ Street No:	
Diagram or Plan No:	Certificate of title	
.....	Volume No:	Folio No:
Title encumbrances (eg easements, restrictive covenants):		
.....		
Street name:		
Suburb:		

Nearest street intersection:

Proposed development

Nature of development: Works
 Landuse
 Works and Landuse

Is there an exemption claimed for part of the development? Yes No

If yes is the exemption for: Works
 Landuse

Description of proposed works / landuse:

.....
.....
.....
.....

Note: You can attach a letter or any reports to this application form.

Description of exemption (if relevant):

Nature of any existing buildings / landuse:

Approximate cost of development:

Estimated time of completion:

OFFICE USE ONLY

Acceptance Officers initials:

Date Received:

Local Government Reference Number:

ATTACHMENT 2 – EXAMPLE MANAGEMENT PLAN TEMPLATE

1. PROPERTY ADDRESS: _____

2. PROPERTY MANAGER DETAILS:

Name: _____

Address: _____

Phone Number: _____

Mobile: _____

Email: _____

3. DETAILS OF RESERVATION ARRANGEMENTS (PLEASE TICK ALL APPLICABLE):

Internet (please specify) _____

Property Manager _____

Other (please specify) _____

4. DUTIES OF PROPERTY MANAGER:

- Supply, readily visible in the kitchen, dining or living area of the house, the Code of Conduct, the Management Plan and the Fire and Emergency Plan;
- Ensure guests are aware of the the Code of Conduct (Annexure A), the Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route);
- Ensure that an A3 laminated copy of the Fire Evacuation Route Plan is displayed in a prominent place near a front or back door, living area or kitchen of the house.
- Ensure that the maximum number of people staying overnight for each booking of the premises is consistent with planning approval conditions;
- Maintain a record / register of all bookings, available for inspection by the Shire of Shark Bay upon request;
- Ensure the premises are clean and minatained to a high standard;
- Ensure bed linen is clean and replaced upon tenant vacation; and
- Ensure rubbish and waste disposal bins are put out and collected as required.

5. MAINTENANCE AND ACCESSIBILITY

Who will be responsible for ensuring that a fire extinguisher will be provided?	
Who will inspect the premises regularly to ensure that the smoke alarms and fire extinguisher are in working order?	
What arrangements are in place for cleaning the house before each booking?	
Is there a working outdoor hose available to guests?	
If windows are fitted with locks, are the keys provided to guests?	
Are guests given keys to all external lockable doors, including security doors?	
What arrangements are in place for maintenance of external yard areas?	

MANAGEMENT PLAN – ANNEXURE A
CODE OF CONDUCT FOR GUESTS

PROPERTY ADDRESS: _____

The following Code of Conduct governs guest behaviour and use of the property. All guests are to follow the Code of conduct for themselves and any visitors they allow at the property.

GUESTS:

- 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.
- There shall be a maximum of _____ guests on the property at any one time.

NOISE AND NUISANCE:

- Guests are not to cause or permit nuisance at the property.
- This includes excessive noise, disruptive behaviour or anti-social behaviour.
- Noise should generally cease after 9.00pm Sunday to Thursday and 10.00pm Friday and Saturday.
- The property manager may contact any guests where noise levels are deemed unacceptable.

VEHICLE PARKING:

- Guests shall park all cars and any trailers, caravans or boats on the property at all times.
- Guests shall not park on the verge or on the street outside of the property.

PREMISE CONDITION AND CLEANLINESS:

- It is all guests responsibility to leave the premises in a clean and tidy condition upon vacating.
- All fittings and chattels are to be left in their original condition and position that they were in at the beginning of each stay.
- Guests are to notify the Property Manager of any damage or disrepair within 24 hours of this occurring.
- Any damage repairs or excessive cleaning that is attributed to guests stay will be paid for by the guests.

FIRES:

- No candles or open fires are permitted on the property.
- All guests should read the Fire and Emergency Response Plan.

RUBBISH DISPOSAL:

- All rubbish is to be placed in the bins provided.
Optional:
- Guests are responsible for taking out the outdoor rubbish bin where their stay coincides with collection days.
- Your collection day is: _____

KEYS:

- At the end of your stay please:
 - Lock the premises (including all doors and windows) and return the keys to the property manager:
 - Leave the keys on the dining table or kitchen bench and lock them in the house:
 - Other (please specify) _____
- _____

TERMINATION OF ACCOMMODATION:

The Property Manager reserves the right to terminate accommodation if guests are found to have contravened any part of the Code of Conduct. No refunds will be made where termination is made due to a breach of the Code of Conduct.

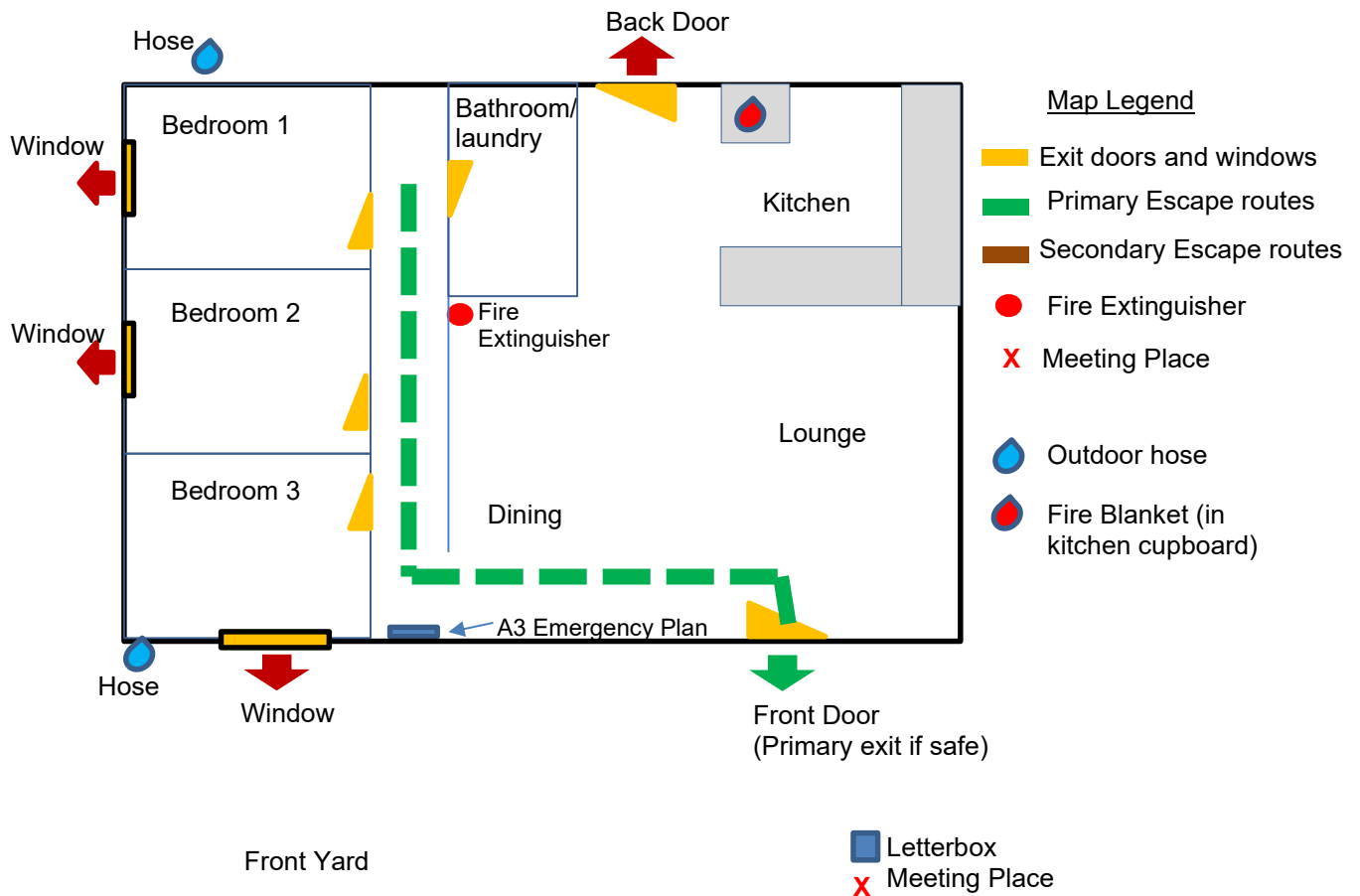
ATTACHMENT 3 – EXAMPLE FIRE AND EMERGENCY PLAN TEMPLATE

1. PROPERTY ADDRESS: _____

Fire Extinguisher Location : (description of room)_____

***Insert a floor plan. An example plan is below.*

2. FIRE EMERGENCY EVACUATION PLAN (to be displayed in house)



In Case of Fire:

- All guests to exit the house immediately. Adults should take all children outside.
- Call emergency services on '000' once you have safely exited the house.
- Assemble in the driveway near the letterbox. Do not go back into the house.
- Follow all instructions by emergency personnel.

3. EMERGENCY CONTACT DETAILS:

FOR ALL EMERGENCIES DIAL TRIPLE ZERO – 000 for Police, Fire or Ambulance

A. Property Manager Contact

Name: _____ Mobile: _____

B. State Emergency Service: 132 500 or mobile: 0417 097 330

4. USEFUL SOURCES OF INFORMATION:

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

ABC Radio 846am

ABC RN: 107.5FM

DEPARTMENT OF FIRE AND EMERGENCY SERVICES – www.dfes.wa.gov.au
13 DFES (13 33 37)

5. CYCLONES:

The Bureau of Meteorology issues cyclone advice to the public through a Cyclone Watch and Cyclone Warning – www.bom.gov.au/cyclone The Department of Fire and Emergency Services then issues Community Alerts to keep people informed and safe - www.dfes.wa.gov.au. The Alert System changes to reflect the increasing risk to your life and advises what you need to do before, during and after a cyclone.

CYCLONE WATCH is used when damaging winds are expected to affect communities within 48 hours.

CYCLONE ALERT is used when damaging winds are likely to affect communities within 24 hours.

DFES then issues the following cyclone alerts:

BLUE ALERT Get ready for a cyclone. You need to start preparing for cyclone weather.

YELLOW ALERT Take action and get ready to shelter from a cyclone. You need to prepare for the arrival of a cyclone.

RED ALERT Take shelter immediately. You need to go to shelter immediately.

ALL CLEAR The cyclone has passed but take care. Wind and storm surge dangers have passed but you need to take care to avoid dangers caused by damages.

6. USEFUL CONTACT INFORMATION (NOT FOR EMERGENCIES):

Silver Chain Health Centre – 9948 1400

Denham Police Station (for general enquiries) – 9948 1201

Shire of Shark Bay – 9948 1218

Vehicle Crossovers - Policy Manual Division 2.1 Crossings

1. A standard crossing as referred to by the Regulation 15 of the Uniform Local Provisions Regulations comprises either:

- A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate.
- A minimum of 100 mm reinforced concrete over a compacted sub-base.
- A minimum of 50 mm thick brick pavers, or
- other as approved by Council

from kerb to the front boundary line and tied in or made contiguous with abutting structures (kerbs, footpaths and driveways).

2. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius "fishtail" onto-the kerb line.

3. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.

4. The Shire of Shark Bay will contribute to one crossing per property only.

5. Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.

For further information on crossovers, their construction, or eligibility for a subsidy, please contact the Works Manager, Brian Galvin on 0428 178 501.



ATTACHMENT 5

FREQUENTLY ASKED QUESTIONS

A. Why do I need planning approval to rent out my own house to tourists or visitors?

The Western Australian Planning Commission (WAPC) is the state planning authority. The WAPC has guidelines on holiday houses which recognise that this land use is different to a single house.

Planning approval for holiday houses is required under the Shire of Shark Bay Local Planning Scheme No 4.

B. Can I write my own Management Plan and Fire and Emergency Response Plan?

Owners or applicants can write their own plans. The plans need to be well thought out and clearly written.

An example format is included as *Attachment 2*.

C. Can I sell my house as a Holiday House?

No. Planning approvals are issued specifically to a person and a land parcel. Any new owner would have to lodge a fresh application to seek planning approval for a Holiday House.

D. What happens if I have a Holiday House and I do not apply for planning approval?

Any Holiday House that continues to operate without planning approval would do so in breach of the Shire of Shark Bay Local Planning Scheme No 4. Any proven breach of the Scheme is an offence.

The Shire can seek to prosecute any owner of an unauthorised Holiday House. Any successful prosecution will result in owners being fined.

E. What if I have a house in Commercial or Tourism zone? Can I apply to use it as a Holiday House?

Yes you can lodge a planning application to the Shire of Shark Bay. The Shire will take into consideration matters such as the objectives of the zone, adjacent land uses, potential for land use conflict with other commercial uses, noise, parking and traffic.

F. What if my house has been used for a Holiday House for years – do I still need approval?

Over the past decade a growing number of holiday houses have been made commercially available in Denham, and many have operated without planning approval. Since the introduction of a new Planning Scheme No 4, the Shire wants to educate key stakeholders on the requirements, and encourage owners / operators to apply for the necessary approval.

Any existing Holiday House needs planning approval. You do not have to apply if you have record of an existing planning approval issued by the Shire under the previous Shire of Shark Bay Local Planning Scheme No 3.

G. *Do I have to use the Management Plan and Fire and Emergency Response Plan attached to the Shires Policy?*

The Management Plan and Fire and Emergency Response Plans that are attached to the Policy are only examples. Applicants can develop their own plans or use the templates as a base and tailor them to suit their needs.