

Local Planning Policy 29 – Un-hosted Holiday Houses (LPP29)

Management Procedure

Relevant Delegation

Purpose

1. Background:

This Policy has been prepared to provide an objective-based framework to streamline the assessment of development applications for un-hosted Holiday Houses in the City of Kalamunda (City) without adversely affecting the amenity of neighbouring properties and to support tourism.

2. Application of the Policy

Unless exempted in accordance with the Planning and Development (Local Planning Schemes)

Regulations 2015 (Regulations), un-hosted Holiday House's as a form of short-term accommodation must be assessed in accordance with this Policy.

3. Statutory Authority / Legal Status

This Policy has been prepared in accordance with Schedule 2, Clause 3(1) of the Regulations.

a) Relationship to Local Planning Scheme No.3.

The Policy has been prepared, advertised and adopted pursuant to Part 2 Local Planning Scheme No.3 (Scheme). The Policy augments and is to be read in conjunction with the provisions of the Scheme relating to development.

If there is a conflict between this Policy and the Scheme, the Scheme prevails.

4. Policy objectives

The objectives of this Policy are to:

- a) Ensure un-hosted Holiday Houses maintain the amenity and character of the areas where they are proposed;
- b) Ensure operators of un-hosted Holiday Houses can effectively manage the impact of short-term accommodation;

- c) Ensure un-hosted Holiday Houses are effectively serviced in areas whereticulated sewer connection is not available; and
- d) Streamline the assessment process for un-hosted Holiday Houses.

5. Definitions

Tourist Development - means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –

- i. Short term accommodation for guests; and
- ii. Onsite facilities for the use of guests; and
- iii. Facilities for the management of the development.

Short-Term Accommodation – means temporary accommodation provided either continuously or from time to time, with no guest accommodated for periods totalling more than three (3) months in any 12-month period.

Holiday Accommodation - means two or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

Holiday House - means a single or ancillary dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast.

Hosted – refers to any type of short-term accommodation where the occupiers of the accommodation are accompanied by a caretaker or manager residing on the same site during times of operation.

Un-hosted – refers to any type of short-term accommodation where only the occupiers of the accommodation reside on the site during times of operation. Shared Access – when the primary vehicle access to a site occurs via an access with shared access rights, such as common property, right of way, or similar.

Operational Management Plan – means a management plan prepared by an applicant to the satisfaction of the City, that demonstrates the mitigation measures to be taken by the applicant to ensure the objectives of the Holiday Houses Local Planning Policy are achieved.

Policy Statement

1. Existing Amenity

Development Applications must demonstrate acceptable impact with regard to:

- a) Maintenance of existing streetscape. Sites which propose parking on the verge or road pavement are not able to demonstrate acceptable impact;
- b) The generation of traffic. Sites which require access via a shared access are not able to demonstrate acceptable impact;
- c) Noise and antisocial behaviour. Short Term Accommodation proposals which do not include an Operational Management Plan are not able to demonstrate acceptable impact; and

- d) Scale. Sites which propose more than two adults per bedroom are not able to demonstrate acceptable impact*.

* Excludes infants and babies.

2. Operational Management Plan

Operational Management Plans must demonstrate acceptable management practices with regard to:

- a) Occupant Code of Conduct;
- b) Application of Noise Mitigation Measures;
- c) Complaint Management Procedure;
- d) Parking Management Plan; and
- e) Any reasonable planning matters as determined by the City of Kalamunda.

3. General Development Provisions

Applications for un-hosted Holiday Homes will be subject to the general development provisions below, to the extent that they relate to the development proposed.

- a) Approval for un-hosted Holiday Homes may be granted for an initial period of 12 months only. At the conclusion of the 12-month period, the approval will lapse and have no further effect. To continue the use of the site for un-hosted holiday house accommodation, the applicant will be required to make a new application to the City. The City's assessment of the new application, the City will have regard to the following:
 - i. The applicant's compliance with respect to Clause 6.1 and 6.2 of the Policy;
 - ii. Valid complaints received during the initial 12 months of operation;
 - iii. Any other matters relevant to maintaining the amenity and character of the locality where the un-hosted holiday house is proposed.

If the City is satisfied that the applicant has demonstrated compliance with Clause 6.1 and 6.2 of the Policy, then the City may issue temporary approval for a further 5-year period.

At the conclusion of this period, the approval shall lapse and have no further effect, requiring the applicant to resubmit for approval. This process will continue every 5 years to ensure Clauses 6.1 and 6.2 of the Policy are adhered to.

- b) Due to the detailed management measures required to operate an un-hosted holiday house in accordance with this Policy, approvals for an un-hosted Holiday House will be personal to the applicant only and will not run with the land. A change in land ownership will extinguish the remaining time period of any existing approval.

4. Additional Information

Additional information may be required to support an application for a Holiday House in circumstances where the site is constrained.

Information relating to Bushfire implications for a Holiday House will be requested in accordance with State Planning Policies and Guidance documents.

Legislation	Local Planning Scheme No. 3
Adopted	22 September 2020 OCM 175/2020
Reviewed	
Next Review Date	September 2021