

## Council Policy

**Council Policy Name:** Regulation of Holiday Homes

**Responsible Directorate:** Planning and Development Services

**Version:** ADOPTED

### 1. PURPOSE

1.1. The purpose of this policy is to:

- a. Outline the overall framework through which the City of Busselton regulates Holiday Homes; and
- b. Establish the high-level objectives for that framework; and Provide more detailed guidance for the application and enforcement of conditions of registration under the *Holiday Homes Local Law*, which forms an important part of the overall framework.

### 2. SCOPE

2.1. The Policy applies to all Holiday Homes within the municipal area.

### 3. DEFINITIONS

Term	Meaning
Holiday Homes	Short term use of residential homes, appropriately registered with the City of Busselton
Policy	This City of Busselton Council policy titled "Regulation of Holiday Homes"
Attendants	Means a person who is – (a) An occupant; or (b) A guest.
Guest	Means a person who is on the premises of a holiday home, for social purposes, at the invitation or with the permission of an occupant of the holiday home
Occupant	Means a person who is accommodated in a holiday home for no more than a total of 3 months in any one 12 month period.

### 4. STRATEGIC CONTEXT

4.1 This Policy links to Strategic theme 4. LEADERSHIP – A Council that connects with the community and is accountable in its decision making, of the City's Strategic Community Plan June 2021 and specifically Strategic Priority 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

### 5. POLICY STATEMENT

5.1. The City has chosen to regulate holiday homes, recognising both the impact that holiday homes can have on the amenity of neighbours and on housing availability, as well as the long-established nature of holiday homes in the District, and the important role that holiday homes play in the District's tourism industry. In developing and implementing its regulatory framework, the City will carefully consider and balance these key considerations.

- 5.2. The City regulates short term Holiday Homes through a framework that is inclusive of:
- City of Busselton Local Planning Scheme 21;*
  - Local Planning Policy 4.1: Holiday Homes;*
  - City of Busselton Holiday Homes Local Law 2012*
  - This Policy;
  - City of Busselton Holiday Homes Conditions of Registration; and
  - City of Busselton Holiday Homes Code of Conduct.
- 5.3 The City will apply conditions of registration that seek to ensure responsible management of holiday homes and the avoidance of unreasonable impacts on neighbour amenity. This may include conditions necessary to:
- Manage pets to minimise disturbance to local amenity;
  - Ensure sleeping arrangements are contained within the confines of the holiday home;
  - Ensure suitable storage and removal of rubbish;
  - Specify signage standards and contact information;
  - Ensure suitable services are available and maintained;
  - Ensure that attendants do not cause nuisance to normal amenity of the area, including but not limited to noise, amplified music, smoke, odours, light and barking dogs; and
  - Regulate and define responsibilities of owner/managers and attendants to achieve the above.
- 5.4 Standard Conditions or Registration and Code of Conduct for Attendants are included in Annexure A and B, but may be subject to review on an ongoing basis at an administrative level to ensure policy objectives are achieved.
- 5.5 The City will consider renewal of Registration having regard to:
- Volume and nature of breaches within the last 12 months;
  - Degree of control over breaches by managers/owners and attendants;
  - Responsiveness of managers/owners to resolve breaches;
  - Scale and impact of breach on local amenity and public safety; and
  - Scope to address breaches or impacts on amenity and public safety through variation of conditions.
- 5.6 The City will consider cancellation and/or non-renewal of a registration in the following circumstances:
- Breaches of conditions that unreasonably impact on the amenity of neighbouring properties or the immediately locality and those breaches remain unresolved after contact by the City; and/or
  - There is a reasonable expectation of a sustained/ongoing impact to local amenity and safety.

## 6 RELATED DOCUMENTATION / LEGISLATION

- Local Government Act 1995*
- Holiday Homes Local Law 2012*
- City of Busselton Local Planning Scheme 21
- Council Policy – Compliance

## 7 REVIEW DETAILS

<b>Review Frequency</b>		<b>3 yearly</b>		
<b>Council Adoption</b>	<b>DATE</b>	21 September 2022	<b>Resolution #</b>	C2209/224

## CONDITIONS OF REGISTRATION

This Registration of the Premises as a Holiday Home is subject to the following conditions:

1. This Registration is valid from the date on which this Certificate of Registration is issued and expires on 30 June 2022 unless cancelled through clause 2.14 of the Local Law.
2. The maximum number of Occupants who may be on the Premises at any time is .... [in accordance with DA number].
3. The maximum number of Attendants (which term includes Guests) who may be on the Premises after 10 pm is .... [in accordance with DA number].
4. An adequate supply of potable water is to be available to all Attendants of the Holiday Home at all times.
5. The Manager must ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.
6. Prior to commencement of any occupation of the Holiday Home, the Manager must provide all Occupants with the following:
  - a. the Code of Conduct; and
  - b. the Conditions of Registration.The Manager must provide the City with proof of such notification upon request.
7. All Attendant's vehicles must be parked within the designated parking bays. No more than.... [in accordance with DA number] vehicles may be on the Premises at any time. Attendant's vehicles must not obstruct any street, thoroughfare, adjacent Premises or any other vehicle.
8. The Owner and Manager must ensure that the Premises displays a sign that:
  - a. is visible from the street;
  - b. displays a current telephone number upon which the Manager can be reached;
  - c. is located solely within the subject site; and
  - d. is no larger than 0.2m<sup>2</sup>.The Manager must provide the City with proof of such signage upon request.
9. Any activity at the Premises must comply with assigned noise levels within the *Environmental Protection (Noise) Regulations 1997*.
10. Any Attendant must not cause a nuisance to any other person or disrupt the normal amenity of the area. Nuisance includes, but is not limited to, noise, amplified music, smoke, odours, light and barking dogs.
11. Dogs must not be left unattended at the Premises at any time.
12. The Owner and Manager must inform the City in writing within 24 hours of any change or proposed change to details provided in relation to the Holiday Home or that would affect any condition imposed under the Local Law.

## CONDITIONS OF REGISTRATION

13. The Manager must inform the City in writing within 24 hours of becoming aware of any breach of:
- a. these Conditions of Registration;
  - b. the Local Law;
  - c. the Code of Conduct; or
  - d. any other relevant law.

The Manager must also advise of action taken to address such a breach. If the Manager becomes aware of such breach on a weekend or public holiday, the City must be informed of such breach on the next business day.

14. A copy of the:
- a. Conditions of Registration;
  - b. approved Code of Conduct (Attachment A);
  - c. any emergency management procedures (including an approved Bushfire Emergency Evacuation Plan); and
  - d. Fire and BBQ Information (Attachment B),

are to be affixed to the inside of the front door of the Premises at all times.

15. Any advertisement for the Holiday Home must specify:
- a. the maximum number of Occupants (which number must be consistent with the Conditions of Registration and development approval); and
  - b. no Guests are permitted at the Premises after 10pm.

### **Note:**

*Any reference to "Local Law" in this Certificate of Registration means the **City of Busselton Holiday Homes Local Law 2012**. Words and expressions used in this Certificate of Registration shall have the same meaning as corresponding words and expressions in the Local Law.*

*The Owner, Manager and each Attendant must comply with these conditions.*

### **Definitions:**

**Attendant** means a person who is an Occupant or a Guest.

**Guest** means a person who is at the Holiday Home for social purposes, at the invitation or with the permission of the Occupant of the Holiday Home.

**Occupant** means a person who is accommodated at the Holiday Home.

**CODE OF CONDUCT FOR HOLIDAY HOME AT  
PROPERTY ADDRESS**

*(Electronic copy available on request)*

**1. Occupants to act lawfully**

An occupant must not engage in conduct at the Holiday Home that contravenes—

- (a) criminal law; or
- (b) the Certificate of Registration.

**2. Number of Occupants and guests**

The maximum number of Occupants permitted at this Holiday Home is **NUMBER OF GUESTS**. No guests are permitted after 10pm.

**3. Vehicles**

3.1. The number of vehicles (including all motorised vehicles and trailers) parked at the Holiday Home must not exceed **NUMBER OF VEHICLES**.

3.2. Each vehicle used by an occupant or guest of the Holiday Home must be parked within the designated parking bays.

**4. Obligations to neighbours**

Each occupant who enters, uses or occupies the Holiday Home, including any outdoor areas, for example an outdoor entertainment area, deck, balcony, swimming pool or spa, must not act in a manner that could reasonably be expected to cause alarm, distress or nuisance to neighbours adjoining or in the vicinity of the Holiday Home, including but not limited to—

- (a) violence or threats;
- (b) loud aggressive behaviour including yelling, screaming or arguing;
- (c) excessively loud noise nuisance; and
- (d) overlooking or light spill.

**5. Pets**

Pets occupying the premises—

- (a) must not be left unattended; and
- (b) must be managed and not cause a nuisance (including a noise nuisance) to neighbours adjoining or in the vicinity of the Holiday Home.

**6. General obligations**

6.1. An Occupant or guest of the Holiday Home must not sleep or camp on the site in a tent, caravan, campervan or similar.

6.2. All rubbish produced by Occupants must be stored in a waste container, and removed weekly.

**7. Responsibility to Manager**

An Occupant must notify the Manager or the Manager's representative of any dispute or complaint about an occupant's behaviour as soon as possible after the dispute or complaint arises.

**8. Responsibility for conduct of guests**

An Occupant is responsible for the actions of all guests they invite onto the premises during the occupancy period, and must ensure guests comply with sections 1 - 6 of this code.