

# Local Planning Policy No. 4.1

## HOLIDAY HOMES

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### 1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to the development of Holiday Homes across the whole of the City.

### 2. PURPOSE

The purpose of this Policy is to –

- 2.1 Provide clear guidance regarding the assessment of applications for development approval for Holiday Homes; and
- 2.2 Identify circumstances in which Holiday Homes will be supported, and circumstances in which Holiday Homes may be supported, given more detailed consideration.

### 3. INTERPRETATION

- 3.1 The two terms defined below are critical to interpretation of this Policy -

**“Deemed-to-Comply”** means a provision which, if satisfied, means that an application is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant Deemed-to-Comply provisions.

**“Performance Criteria”** means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant Deemed-to-Comply provisions.

*Note: applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria. Similarly, if the potable water elements of the ‘utility servicing’ deemed-to-comply provisions are met, but the refuse collection ones are not, it is only the refuse collection issues that need to be considered against the directly related performance criteria.*

- 3.2 Other terms should be interpreted in the same way as they would be interpreted if they were contained within the *City of Busselton Local Planning Scheme No. 21*, other than those terms defined below -

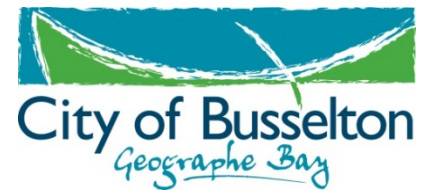
**“Bushfire Policy”** means the Bushfire Local Planning Policy.

**“Deemed-to-Comply”** means a provision which, if satisfied, means that a Holiday Home is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant Deemed-to-Comply provisions.

**“Holiday Home (Multiple/Grouped Dwelling)”** means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does

# Local Planning Policy No. 4.1

## HOLIDAY HOMES



not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

**“Holiday Home (Single House)”** means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

**“Holiday Home”** means both a Holiday Home (Multiple/Grouped Dwelling) and/or a Holiday Home (Single House).

**“Performance Criteria”** means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant Deemed-to-Comply provisions.

**“Policy”** means this Holiday Homes Local Planning Policy.

### 4. POLICY STATEMENT

| 4.1 LOCATION  |   |
|---|---|
| Deemed-to-Comply  | Performance Criteria  |
| <p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C1.1 The Holiday Home is located within an existing, lawful dwelling (other than a dwelling approved as a second dwelling or rural worker’s dwelling pursuant to clause 4.5 (f) or (g) of the Local Planning Scheme, or equivalent clause in previous schemes) in the Agriculture or Viticulture and Tourism Zone; or</p> <p>C1.2 In all other Zones, the Holiday Home has direct frontage to a public road and/or public open space and has a minimum of 350m<sup>2</sup> exclusively for the use of the dwelling; or</p> <p>C1.3 For a Holiday Home (Grouped/Multiple Dwelling), written support has been received by the local government from the majority of owners of properties in the complex or development within which the Holiday Home is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).</p> | <p>A Holiday Home satisfies the Performance Criteria provisions if:</p> <p>P1.1</p> <p>The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker’s dwelling to a Holiday Home.</p> |

# Local Planning Policy No. 4.1

## HOLIDAY HOMES



| 4.2 UTILITY SERVICING  |   |
|--|---|
| Deemed-to-Comply   | Performance Criteria  |
| <p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C2.1 The Holiday Home is connected to reticulated water, or provided with a 135,000 litre rainwater tank for the exclusive use of the Holiday Home; and</p> <p>C2.2 The Holiday Home is located within the City’s kerbside refuse collection area; and</p> <p>C2.3 The Holiday Home is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.</p> <p><i>Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a single house will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City’s Environmental Health staff prior to lodging an application for development approval.</i></p> | <p>A Holiday Home satisfies the Performance Criteria provisions if:</p> <p>P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and</p> <p>P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and</p> <p>P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use if a suitable system is not already in place and approved).</p> |

| 4.3 CAR PARKING   |   |   |     |   |     |   |     |   |      |   |       |   |  |
|---|---|---|-----|---|-----|---|-----|---|------|---|-------|---|--|
| Deemed-to-Comply  | Performance Criteria                        |   |     |   |     |   |     |   |      |   |       |   |  |
| <p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C3.1 The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the <i>Residential Design Codes of Western Australia</i>, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:</p> <table border="1" data-bbox="252 1653 790 1989"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of car parking bays required</th> </tr> </thead> <tbody> <tr> <td>1-3</td> <td>1</td> </tr> <tr> <td>4-6</td> <td>2</td> </tr> <tr> <td>7-8</td> <td>3</td> </tr> <tr> <td>9-10</td> <td>4</td> </tr> <tr> <td>11-12</td> <td>5</td> </tr> </tbody> </table> | Maximum number of occupants                 | Minimum number of car parking bays required | 1-3 | 1 | 4-6 | 2 | 7-8 | 3 | 9-10 | 4 | 11-12 | 5 | <p>A Holiday Home satisfies Performance Criteria provisions if:</p> <p>P3.1 The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or</p> <p>P3.2 Where a Holiday Home is located in the ‘Business’ Zone, the City is satisfied that the Holiday Home will not have a noticeable effect on the availability of public car parking within the locality.</p> |
| Maximum number of occupants   | Minimum number of car parking bays required |   |     |   |     |   |     |   |      |   |       |   |  |
| 1-3   | 1   |   |     |   |     |   |     |   |      |   |       |   |  |
| 4-6   | 2   |   |     |   |     |   |     |   |      |   |       |   |  |
| 7-8   | 3   |   |     |   |     |   |     |   |      |   |       |   |  |
| 9-10  | 4   |   |     |   |     |   |     |   |      |   |       |   |  |
| 11-12   | 5   |   |     |   |     |   |     |   |      |   |       |   |  |

# Local Planning Policy No. 4.1

## HOLIDAY HOMES



| 4.4 DWELLING DESIGN  |  |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
|--|--|-------------------------------------|-----|--------------|-----|---|-----|---|------|---|-----------------------------|--|-----|-------------------------|------|--------------------------------|---|
| Deemed-to-Comply   | Performance Criteria                         |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| <p>A Holiday Homes satisfies the Deemed-to-Comply provisions if:</p> <p>C4.1 The Holiday Home is an existing, lawful dwelling; or</p> <p>C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the <i>Residential Design Codes of Western Australia</i>), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions; and</p> <p>C4.3 The maximum number of occupants within a Holiday Home complies with the following standards:</p> <ul style="list-style-type: none"> <li>(a) There is 5.5 square metres per occupant in each bedroom utilising beds; and</li> <li>(b) There is 3.5 square metres per occupant in each bedroom utilising bunks; and</li> <li>(c) There is sufficient bedroom space to accommodate the maximum number of occupants consistent with (a) and (b) above; and</li> </ul> <p>C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates:</p> <table border="1"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of bedrooms required</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>1, or studio</td> </tr> <tr> <td>3-4</td> <td>2</td> </tr> <tr> <td>5-8</td> <td>3</td> </tr> <tr> <td>9-12</td> <td>4</td> </tr> </tbody> </table> <p>C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:</p> <table border="1"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of bathrooms/toilets required</th> </tr> </thead> <tbody> <tr> <td>1-6</td> <td>1 bathroom and 1 toilet</td> </tr> <tr> <td>7-12</td> <td>1 or 2 bathrooms and 2 toilets</td> </tr> </tbody> </table> | Maximum number of occupants                  | Minimum number of bedrooms required | 1-2 | 1, or studio | 3-4 | 2 | 5-8 | 3 | 9-12 | 4 | Maximum number of occupants | Minimum number of bathrooms/toilets required | 1-6 | 1 bathroom and 1 toilet | 7-12 | 1 or 2 bathrooms and 2 toilets | <p>A Holiday Homes satisfies the Performance Criteria provisions if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and:</p> <p>P4.1 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.</p> <p><i>Note: the Local Planning Scheme establishes that the maximum number of occupants in a Holiday Home (Single House), regardless of the number or size of bedrooms, is 12, and the maximum number of occupants in a Holiday Home (Grouped/Multiple Dwelling) is six. The City has no discretion to approve Holiday Homes with maximum occupant numbers higher than those limits.</i></p> |
| Maximum number of occupants  | Minimum number of bedrooms required          |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 1-2  | 1, or studio                                 |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 3-4  | 2  |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 5-8  | 3  |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 9-12   | 4  |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| Maximum number of occupants  | Minimum number of bathrooms/toilets required |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 1-6  | 1 bathroom and 1 toilet                      |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |
| 7-12   | 1 or 2 bathrooms and 2 toilets               |                                     |     |              |     |   |     |   |      |   |                             |  |     |                         |      |                                |   |

# Local Planning Policy No. 4.1

## HOLIDAY HOMES



| 4.5 BUSHFIRE MANAGEMENT   |  |
|---|--|
| Deemed-to-Comply  | Performance Criteria   |
| <p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C5.1 The Holiday Home satisfies the provisions of the Bushfire Policy.</p> | <p>There are no performance criteria for this provision as development is required to satisfy the provisions of the Bushfire Policy.</p> |

### 5. RELATED DOCUMENTATION / LEGISLATION

- 5.1 *City of Busselton Local Planning Scheme No. 21*
- 5.2 *City of Busselton Holiday Homes Local Law*

### 6. REVIEW DETAILS

|                          |             |            |                     |           |
|--------------------------|-------------|------------|---------------------|-----------|
| <b>Review Frequency</b>  | 2 yearly    |            |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> | 11/03/2020 | <b>Resolution #</b> | C2003/084 |
| <b>Previous Adoption</b> | <b>DATE</b> | 27/03/2019 | <b>Resolution #</b> | C1903/053 |

\* Policy number changed from LPP 7C to LPP 4.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.