

To Whom It May Concern,

Port Stephens Council supports the intent of the Options Paper to provide uniform regulation to manage impacts and provide a standardised approach across NSW.

### Impact of STHL on the Port Stephens LGA

Port Stephens, particularly the Tomaree Peninsula and areas such as Nelson Bay, are considered a regionally significant centre and recognised as a primary tourist centre. Its critical role as a coastal tourist destination is reflected in high occupancies over summer and lower occupancies over winter. Nelson Bay experiences significantly higher levels of dwelling unoccupancy (39.32%), when compared to the LGA (16.99%) (REMPPLAN, 2011 ABS). This could suggest that a significant amount of existing housing stock in Nelson Bay is used for temporary (holiday) accommodation and the challenges on balancing the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds.

### Existing Provisions

Port Stephens LEP2013 has a local provision clause (Clause 7.18 Short-term rental accommodation) to deal with STHL, which enables the temporary use of dwellings as short-term rental accommodation for tourists and visitors without requiring development consent. The definition of short-term tourist and visitor accommodation is "tourist and visitor accommodation where the maximum period for which any person is accommodated is 60 consecutive days in a 12 month period and that does not involve interference with the amenity of the neighbourhood by reason of the emission of noise or traffic generation". However our current clause does leave some ambiguity as to whether or not a dwelling can be used for short term accommodation on a permanent basis – i.e. the dwelling is never occupied by a resident, rather is just let out continually. This does lead to issues of classification – i.e., when a dwelling should be approved as hotel or motel accommodation.

### Regulation

PSC are satisfied with the local provision clause and request that any amendment to regulate STHL should consider the implications any additional restriction will place on compliance and investigative works (i.e. where complaints can be made on a technical issue that has no or minor impacts). PSC received a minimal number of complaints per year, those that are received generally relate to noise, antisocial behaviour and parking.

### STHL Definition

There is currently no definition for STHL in the Standard Instrument Local Environmental Plan. Any introduction of a definition for STHL in the Standard Instrument is supported. PSC currently defines it as "tourist and visitor accommodation where the maximum period for which any person is accommodated is 60 consecutive days in a 12 month period and that does not involve interference with the amenity of the neighbourhood by reason of the emission of noise or traffic generation". Any standard definition should include maximum consecutive days per stay and days per year.

### BCA Implications

The STHL classification may affect the BCA classification of the building which will have implications on fire safety, health, amenity and disable access.

### Registration

Council supports mandatory registration of all short term rental accommodation to a State Government Agency. A copy of the registration should be forwarded to the respective local council for their records. Knowing where STHLs are located would assist Council in carrying out necessary compliance action when problems arise. Council also supports a State structured Code of Conduct which could be issued in conjunction with registration.

Council looks forward to working with the Department on a uniform regulation to manage impacts and provide a standardised approach across NSW.