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**Shellharbour City Council Submission
Options Paper Short-term holiday letting**

Dear Sir or Madam,

Thank you for providing Council the opportunity to comment on the Options Paper.
Please see Council's comments on the following pages.

Please contact Ian Rankine from Council's City Planning Department on (02)4221 6136 if
you need more information.

Yours sincerely



Carey McIntyre
General Manager

**Shellharbour City Council Submission to NSW Department of Planning & Environment
Options Paper – Short-term Holiday Letting
October 2017**

Introduction

Council welcomes the opportunity to make a submission on the Options Paper – Short-term holiday letting (STHL).

The following submission outlines the planning controls that Council thinks will provide the opportunity to provide a form of holiday accommodation that will benefit our community and visitors to our City as well as provide limits on the scale of the use to minimise impacts on adjoining and adjacent residential properties.

Impacts associated with STHL

The main issues of concern to Council include noise, car parking and traffic generation, waste not being collected, anti-social behaviour and loss of residential amenity in the neighbourhood.

Mechanisms to try to minimise these impacts include limiting the number of bedrooms that can be occupied, requirement to provide on-site car parking, signage and a local clause to address amenity of the neighbourhood, requirement for name and 24 hour contact details of the owner, property manager or security company.

Regulation through the planning system

STHL should be subject to the planning regulatory framework so that the use is required to be considered within the NSW planning legislation similar to other tourism and business land uses.

In the first instance, a Standard Instrument definition is required. For example:

Short-term rental accommodation means a dwelling, or part of a dwelling, used for the purpose of tourist and visitor accommodation (other than bed and breakfast accommodation, farm stay accommodation or serviced apartments) that is available for rent for periods of less than 90 days)

A combination of exempt development and development consent provisions are considered appropriate.

Exempt development be permitted up to 3 bedrooms with 1 on-site car parking space per bedroom, not be on bush fire prone land and require licensing through a State agency. Limiting the number of bedrooms will assist minimising potential impacts that aren't subject to a merit assessment.

Development consent be required for any use that can't comply with the exempt requirements or requires merit assessment. Bedrooms should be limited to 5 so that the use generally "fits" into the residential streetscape and residential amenity. One on-site car parking space per bedroom and licensing be required through a State agency. As with other land uses requiring development consent, the provisions of section 100B of the *Rural Fires Act 1997* will apply for all land identified as bush fire prone land.

Registration or licensing

A State-wide approach to regulation/licensing is required so that it can be co-ordinated in a consistent manner and that Council's be given access to that database, similar to the process used with the Companion Animals Register.

Also, appropriate State resources are required to enable compliance issues to be resolved.

Suggest framework

New clause

Short-term rental accommodation

- (1) The objectives of this clause are as follows:
 - a) to require development consent for the temporary use of a dwelling as short-term rental accommodation,
 - b) to minimise the impact of short-term rental accommodation on surrounding properties.
- (2) Despite any other provisions of this part, development consent may be granted for the use of a dwelling as short-term rental accommodation.
- (3) Development consent must not be granted for the use of a dwelling as short-term rental accommodation unless:
 - a) The consent authority is satisfied that the use does not interfere with the amenity of the neighbourhood by reason of the activities taking place in or near the dwelling, the emission of noise or traffic generation, and
 - b) The dwelling house is licensed with NSW Fair Trading for use as short-term rental accommodation prior to occupation, and
 - c) The dwelling contains no more than 5 bedrooms.

Note: If the subject dwelling is located on bush fire prone land, a bush fire safety authority must be obtained before the dwelling is used as short-term rental accommodation (see section 100B of the *Rural Fires Act 1997*).

Exempt development

Short-term rental accommodation

- 1) Must be located in a zone where dwellings are permitted with development consent.
- 2) Must not be on land identified as "Bush Fire Prone" on the Bush Fire Prone Land Map.
- 3) The dwelling must not contain more than 3 bedrooms.
- 4) Must provide at least 1 car parking space per bedroom on the lot.
Note: A driveway that can accommodate more than 1 vehicle wholly within the lot may comply with the car parking requirements.
- 5) The dwelling house is licensed with NSW Fair Trading for use as short-term rental accommodation.
- 6) Must be regularly serviced by a general waste garbage bin, a recycling garbage bin and an organic waste garbage bin and must provide an appropriate waste collection area for those bins on the lot.
- 7) Signage must be clearly displayed on the land to which the sign relates and contain the name and telephone number (including an after hours telephone number) of the owner, property manager or security company.

- 8) Signage must be clearly displayed in a common area within the dwelling house and contain the following information:
- a) The name and telephone number (including an after hours telephone number) of the owner, property manager or security company,
 - b) The wording to the effect that:
 - i. The property is located in a residential neighbourhood and guests and visitors must not create offensive noise or engage in anti-social behaviour, particularly between 10pm and 8am, and
 - ii. Guests and visitors must not cause traffic hazards by parking inappropriately on the street, and
 - iii. The number of overnight guests must not exceed the maximum specified for the property.

Dictionary

Short-term rental accommodation means a dwelling, or part of a dwelling, used for the purpose of tourist and visitor accommodation (other than bed and breakfast accommodation, farm stay accommodation or serviced apartments) that is available for rent for periods of less than 90 consecutive days.