

## Planning Proposal PP15/0005 Short-Term Rental Accommodation

### Summary of submissions received in response to the public exhibition – Attachment 1 to Council Report

ECM No	No	Date	Suburb	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATION
	1	9 Dec 15	Chinderah	Strongest possible objection to provisions allowing the letting of housing for short-term rental. It will create a logistics nightmare for enforcement and regulation.	Tourists holidaying in the Tweed Shire area choose increasingly to stay in short-term rental accommodation. The supply side of this market is responding by a rapid growth of properties advertised online for short-term rental. This form of land use has been omitted from the Tweed LEP 2014 and by default became prohibited in the majority of zones. Through the current process, Council intends to adjust the local regulations through an amendment to the Tweed LEP 2014 and a policy, prepared with a view to control this form of land use and facilitate self-regulating mechanisms, to minimise complaints and compliance actions by Council. Further review of the policy is scheduled after 12 months from implementing the policy to ensure it adequately regulates short-term holiday rentals.	No changes to the planning proposal and the draft policy.
	2	10 Dec 15	Pottsville	Issue 1: holiday letting wrecks neighbourhoods and leaves empty buildings throughout the year whereby the local shops close because lack of customers.  Issue 2: The only way for TSC to have more revenue from its rates and the local businesses is to grant more subdivision approvals near coastal enclaves.  Submission provides a handful of examples of potentially inappropriate short term rental listings on booking websites.	Response to issue 1: Data regarding impacts of short term rental accommodation on neighbourhoods and housing affordability is limited and does not provide convincing evidence to support or oppose to this submission. As part of the post-exhibition review of the draft policy and the planning proposal, Council will consider amendments allowing review of the impacts of this policy.  Response to issue 2: This policy does not seek to increase revenue. It has been prepared with a view to regulate increasingly popular short-term rental of residential houses for tourists. Additional subdivisions are outside of the scope of this planning proposal.	No changes to the planning proposal and the draft policy.
3925336	3	11 Jan 16	-	Issue 1 The NSW RFS has no objection to Council introducing provisions regulating short term rental accommodation. Issue 2. The NSW RFS cannot support the proposed local provision permitting some types of short term rental accommodation on mapped bush fire prone land to be exempt development unless this approach is substantiated through a legal opinion.	Response to Issue 1: Noted. Response to Issue 2: The proposed policy and the planning proposal, in their current form do not include provisions for bush fire prone land. This will be modified through post-exhibition review.	Planning proposal and the policy to be updated to include provisions regulating use of dwellings within bush fire prone areas as proposed in submission from the RFS.
3928071	4	20 Jan 16	Kingscliff	Issue 1: Applauds Council for providing the draft Policy and explanatory background.  Issue 2: Distinction between exempt development and DA process is unclear. More clarity is needed.  Issue 3: The business identification sign must include an after-hours contact.  Issue 4: The Code of Conduct should be	Response to issue 1: Noted. Response to issue 2: 62 days timeframe aims to distinguish the temporary use of a dwelling for short-term rental during periodic absence of owner-occupiers and investment properties used for this purpose all year round. Response to issue 3: this is the intention of the policy and the planning proposal. Relevant provisions to be reviewed to check for clarity and potential amendments to explain that the phone number is for both daytime and night.	Issue 4: in response to issue 4, it is recommended to update subclause 3.2.1 as follows: "Make available to all tenants the copy of this Policy and the Terms and Conditions"

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				<p>specifically brought to the attention of every owner and tenant.</p> <p>Issue 5: Current owners already renting their properties should be required to registration and undergo the approval process.</p> <p>Issue 6: Complaints system should be developed, for example a 'three strikes and out' or similar.</p> <p>Issue 7: Council officers should be available to attend to after-hours problems.</p>	<p>Response to issue 4: The Code of Conduct has been used to inform the content of the Policy. Guiding principle 1.6 of the draft Policy states that it must be provided or made available to all guests and visitors.</p> <p>Response to issue 5: this is the intention of the policy and the planning proposal.</p> <p>Response to issue 6: Complaints system has been proposed within the policy, but this does not include a 'three strikes and out' rule. The policy will be scheduled for annual review which will provide an opportunity to amend the complaints provisions if needed.</p> <p>Response to issue 7: After-hours complaints reported to Council will be responded to during Council working hours. According to the proposed regulations, complaints related with a breach of the amenity will be considered as a breach to the development consent and/or the provisions of the policy</p>	
3933936	5	27 Jan 16	-	<p>Issue 1: Endorses Council commitment to a self-regulatory approach. Requirements in relation to development consent should be as simple as possible; fees associated with the approval should be low.</p> <p>Issue 2: If a dwelling is lawfully constructed and has development approval, the process for approval for short-term rental should be automatic. Any further reviews to the policy should be as simple as possible and in line with self-regulation.</p>	<p>Response to issue 1: Costs associated with exempt development will be limited to registration fee on Council website. Fees for development applications are determined on the estimated cost of works.</p> <p>Response to issue 2: In such cases dwellings would have been approved for residential purposes only. According to the planning system in NSW, any change of use should be subject to a planning approval process.</p>	No changes to the planning proposal and the draft policy.
3938618	6	29 Jan 16	Casuarina	<p>Issue 1: The Policy may not adequately address the dominant business model for short term rental; multinational corporate booking agents, ubiquity of Internet and mobile devices.</p> <p>Issue 2: Council's policy requiring registration on Council's website will encounter resistance or apathy.</p> <p>Issue 3: The Policy must anticipate the numerous changes that short term rental market is bringing to holiday industry in Tweed.</p> <p>Issue 4: Policy should consider frequent absence of owners of short term rental properties in Tweed Shire.</p> <p>Issue 5: The Policy should acknowledge that bookings through Airbnb involve bond deposit made online through Airbnb page.</p>	<p>Response to issues 1 and 3: noted. The exhibited policy and the proposed amendment to the Tweed LEP 2014 have been prepared to tailor planning regulations on the local level to the changing tourism sector. The policy will be reviewed after initial 12 months to validate its adequacy and to make amendments if needed.</p> <p>Response to issue 2: the process of regulating short term rental accommodation will require some time for owners, visitors, managers and Council to operate consistently with the policy. The policy includes compliance mechanisms, such as fees or termination of short-term rental accommodation.</p> <p>Response to issue 4: this is considered within the policy.</p> <p>Response to issue 5: Whilst listing a dwelling on Airbnb site, owners may request a security deposit from their guests. The deposit is kept by Airbnb and is returned to the guests upon completion of their stay, unless a claim by the</p>	No changes to the planning proposal and the draft policy.

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				Issue 6: The draft proposal indicates that short-term rental accommodation brings “up-side” to for owners and mostly all “down-side” for surrounding residents.	host is made. Such deposits may not be used by Council in any way. Response to 6: The proposal does not specifically indicate that short-term rental accommodation will negatively impact on surrounding residents. Instead, it acknowledges a need to develop and maintain a robust mechanism of ensuring that amenity of the neighbourhood is not degraded.	
3943166	7	2 Feb 16	Pottsville	Submission expresses concerns about the effect of the proposed regulations on the local economy. Limiting holiday rental to 62 days without prohibitive costs will make rental of properties outside of holiday periods unviable and will have a negative effect on investment and real estate. It will also impact local businesses such as hairdressers, local clubs, restaurants etc. Generally, there is a lot more noise coming from the permanent residents that the short term holiday makers in the local area.	Costs of the DA approval process should not be referred to as ‘prohibitive’. The DA process is needed to legalise use of residential dwellings for such use. Fees for development applications are determined on the estimated cost of works and are regulated by the NSW Government.  The draft policy provides a regulatory framework that ensures Council can effectively respond to holiday rental complaints.	No changes to the planning proposal and the draft policy.
3943179	8	3 Feb 16	Pottsville	Issue 1: Objects to the proposed limitation of 62 days of short-term rental. Issue 2: What is the material difference between long-term and short-term residential leasing of properties. Issue 3: The 62 days limit of short-term should be increased to a higher level, for example 150.	Response to issues 1-3: the ‘62 days’ distinction between short term and long term rental has been introduced to distinguish between dwellings considered as investment properties (long term rental) and those owner-occupied, where the owners may want to lease the property during their absence for a maximum of 62 days a year.	No changes to the planning proposal and the draft policy.
3931311	9	22 Jan 16	Kingscliff	Issue 1: Supports the policy  Issue 2: The maximum term should be extended from 62 to 70 days per annum.  Issue 3: Can parking is becoming an issue, the policy should require a three bedroom home used for this form of rental to have two accessible, designated off street parking spots.  Issue 4: The policy is needed to recognise, and regulate the changing patterns of holiday accommodation worldwide. Air BnB accommodation is increasing and this region should accommodate the trend in a manner that differentiates the daily impact on neighbours when there are multiple short term tenancies as opposed to those owners who never rent out their property or might take one or two short term rentals a year.	Response to issue 1: noted. Response to issue 2: Request to extend timeframe for exempt development from 62 to 70 is not clearly justified in the submission. The proposed 62 days period has been chosen as an equivalent of two months of the summer holiday period, to enable owner-occupied properties be rented out during the absence of the owners. Response to issue 3: this requirement is already provided in the draft policy, Response to issue 4: Council acknowledges that short term rental accommodation is a part of growing trend of “sharing economy” or “do-it-yourself economy”. To ensure that the policy is not outdated, it will be subject to review following first 12 months of operation. Further reviews are possible.	No changes to the planning proposal and the draft policy.
2942199	10	2 Feb 16		Issue 1: Concerned about the cost of the DA application process and ongoing costs to maintain compliance with the policy. Any fees should be kept to the minimum and be one off.  Issue 2: A shortage of holiday properties will	Response to issue 1: Costs associated with exempt development will be limited to registration fee on Council website. Fees for development applications are determined on the estimated cost of works. The DA process is necessary to legalise unauthorised use of	No changes to the planning proposal and the draft policy.

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				<p>affect local business and the community.</p> <p>Issue 3: Council should assist owners to achieve reduction of costs through collective bargaining.</p>	<p>residential properties for short term tourist accommodation.</p> <p>Response to issue 2: Impacts of short-term rental accommodation on local businesses and the community are difficult to measure. Through periodic reviews, Council will be able to ensure that the policy responds to the needs of the local community, is accurate and efficient.</p> <p>Response to issue 3: Costs resulting from the implementation of the planning proposal and the policy should be limited to costs related with DA application and a fee for registering on Council website.</p>	
3942906	11	3 Feb 16	Pottsville	<p>Issue 1: Considers 62 days per year to be too short for the holiday destinations in the Shire. This period should be extended to 6 months.</p> <p>Issue 2: The amendment is a disincentive to purchase a dwelling for holiday accommodation or to use existing dwellings for that purpose for more than 62 days.</p> <p>Issue 3: The DA process is costly, takes time, and its results are uncertain.</p> <p>Issue 4: In result of the amendment, owners may restrict this use to 62 days which will have substantial loss to local businesses, particularly during the off-peak periods.</p> <p>Issue 5: The policy should recognise holiday accommodation as a legitimate use, particularly in coastal communities.</p> <p>Issue 6: The amendment should place more onus on owners to effectively deal with complaints.</p>	<p>Response to issue 1: The proposed period of 62 days aims to enable use of dwellings for short-term rental accommodation during periodical absence of owner-occupiers. Such use for longer than 62 days will require development consent. Development consent is considered to be an appropriate avenue of regulating extended use of residential dwellings for short-term rental accommodation.</p> <p>Response to issue 2 and 3: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent. As the vast majority of commercial forms of land use require DA process, a requirement to do so for short term rental accommodation should not be considered as disincentive.</p> <p>Response to issues 3 and 4: Costs of the DA process are fixed and specified under Council's schedule of fees and charges. These costs are not considered to be high enough to influence on decision to restrict commercial use of dwellings as short term rental accommodation to 62 days.</p> <p>Issue 5: this is the purpose of the amendment.</p> <p>Issue 6: The policy has been prepared to facilitate 'self-regulation' of the short term rental. The policy will be subject to an annual review to ensure its efficiency.</p>	No changes to the planning proposal and the draft policy.
3947302	12	8 Feb 16	Pottsville	<p>Issue 1: Considers 62 days per year to be too short for the holiday destinations in the Shire. This period should be extended to 6 months.</p> <p>Issue 2: The amendment is a disincentive to purchase a dwelling for holiday accommodation or to use existing dwellings for that purpose for more than 62 days.</p> <p>Issue 3: The DA process is costly, takes time,</p>	<p>Response to issue 1: The proposed period of 62 days aims to enable use of dwellings for short-term rental accommodation during periodical absence of owner-occupiers. Such use for longer than 62 days will require development consent. Development consent is considered to be appropriate avenue of regulating extended use of residential dwellings for short-term rental</p>	No changes to the planning proposal and the draft policy.

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				<p>and its results are uncertain.</p> <p>Issue 4: In result of the amendment, owners may restrict this use to 62 days which will have substantial loss to local businesses, particularly during the off-peak periods.</p> <p>Issue 5: The policy should recognise holiday accommodation as a legitimate use, particularly in coastal communities.</p> <p>Issue 6: The amendment should place more onus on owners to effectively deal with complaints.</p>	<p>accommodation.</p> <p>Response to issue 2 and 3: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent. The vast majority of commercial forms of land use require DA process therefore this requirement should not be considered as disincentive.</p> <p>Response to issues 3 and 4: Costs of the DA process are fixed and specified under Council's schedule of fees and charges. These costs are not considered to be high enough to influence on decision to restrict commercial use of dwellings as short term rental accommodation to 62 days.</p> <p>Issue 5: this is the purpose of the amendment.</p> <p>Issue 6: The policy has been prepared to facilitate 'self-regulation' of the short term rental. The policy will be subject to an annual review to ensure its efficiency.</p>	
3944722	13	4 Feb 16	Pottsville	<p>Issue 1: Objection to the proposed amendment to the LEP: mechanisms proposed are unnecessary restrictive and fail to adequately address the intended outcome of the Planning Proposal.</p> <p>Issue 2: 62 days is arbitrary and unsubstantiated figure. This approach goes further that solutions endorsed by other Councils in the area. It will lead to enforcement issues and likely additional consequences for the local economy. Rather than providing a number of days, an alternative approach would be to explore the use of criteria related with complaints received and self-regulating bodies.</p> <p>Issue 3: The proposal will not provide certainty for owners, guests and neighbours and will result in disproportionate costs for owners.</p> <p>Issue 4: submission provides alternative wording of proposed amendments to the LEP 2014, including removal of references to 62 days.</p>	<p>Response to issue 1: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent or will be considered as exempt development if under 62 days per calendar year. Under this approach, dwellings used permanently for short-term rental accommodation are considered as use of land related with tourist and visitor accommodation land uses, which can only be approved through a DA process.</p> <p>Response to issue 2: 62 days have been proposed for consultation to facilitate short-term rental of owner-occupied houses during periods of owners' absence.</p> <p>Response to issue 3: Currently, use of dwellings for short-term rental accommodation in Tweed Shire is illegal. The proposed provisions aim to regulate this land use and provide two options for the owners to obtain necessary approvals.</p> <p>Response to issue 4: the proposed definition of short-term rental accommodation has been based on other, similar LEP amendments, approved by the NSW Government. Suggestion to replace the 62-days exempt timeframe with criteria related with a number of complaints received in relation to a specific property is contrary to Council's proposed approach which is to enable rental of owner-occupied properties during the owners' absence.</p>	No changes to the planning proposal and the draft policy.
3946372	14	5 Feb 16	Kingscliff	<p>Issue 1: The policy should be split into two separate documents: one applying to rentals of</p>	<p>Response to issue 1: The vast majority of provisions provided within the policy are</p>	The draft Policy to be amended as follows:

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				<p>less than or equal to 62 days, and separate policy for 63 and more days.</p> <p>Issue 2: Inconsistency between the policy and planning proposal in defining a maximum number of occupants per bedroom. This should be restricted to 2 per bedroom excluding cots for infants.</p> <p>Issue 3: Car parking provisions should be amended to 1 space per 1-2 bedrooms, 2 spaces per 3-4 bedrooms and 3 spaces for 5 or more bedrooms.</p> <p>Issue 4: Section 2.5 Contact details should be moved above 2.3 car parking.</p> <p>Issue 5: size of all signage should be equal to an A3 piece of paper.</p> <p>Issue 6: Provision 2.5.3 unclear as to whether both under and over 62 days should be registered. Generally, the distinction between over and under 62 days should be clearer in the policy.</p> <p>Issue 7: A copy of the policy should be left in the property for ready reference.</p> <p>Issue 8: The policy should stronger require availability of the owner or agent to respond to complaints.</p> <p>Issue 9: TSC should enable neighbours access to the Terms and Conditions.</p> <p>Issue 10: How can requirements 3.2.7 and 3.2.8 (insurance and a requirement to be based locally or have a local representation) assured when bookings are made online?</p> <p>Issue 11: Will there be a call out fee if Council has to respond to a complaint for example a dangerous dog?</p> <p>Issue 12: The name and contact detail of the complainant should remain private.</p>	<p>applicable for both types of short term rental and feedback from other submissions appears to indicate that there the policy can remain as a single document as long as those provisions that are specific for each type of short term rental accommodation are highlighted for easier identification.</p> <p>Response to issue 2: Comment noted. The inconsistency occurred during the drafting stage and will be remediated as part of the post-exhibition review.</p> <p>Response to issue 3: Requirement to provide 3 car spaces for five or more bedrooms may impact on the amenity of the neighbourhood: with significant portions of the landscaped areas within these premises converted into car park. Consideration to the visual amenity resulted in a limitation of car park spaces to two.</p> <p>Response to issue 4: supported.</p> <p>Response to issue 5: The policy will also apply to short-term rental accommodation on rural and rural-residential land, it is recommended to permit business signs larger than A3 (A3 equals to 0.13 m<sup>2</sup>, the policy allows for signs of up to 0.20 m<sup>2</sup>).</p> <p>Response to issue 6: the intention of this subclause is to require all dwellings used for short-term rental to register. The clause can be reworded to specify that.</p> <p>Response to issue 7: According to the exhibited documentation, <i>a copy of the policy must be provided, or made available to all guests and visitors of dwellings used as short-term rental accommodation</i> (page 5 of the draft document).</p> <p>Response to issue 8: Subclause 3.2.2 of the draft Policy requires that owners and managers must be present at time of compliant.</p> <p>Response to issue 9: Terms and conditions are based on a template prepared by the Holiday Rental Industry Association. The template will be available on Council website.</p> <p>Response to issue 10: According to the proposed provisions, in order to be considered exempt, short-term rental must be consistent with the policy. In case of short-term rental approved through a DA this may be conditioned as part of development consent.</p> <p>Response to issue 11: Implementation of the policy will involve amendments to Council's fees and charges schedule to include a call out fee resulting from a complaint.</p> <p>Response to issue 12: This will be ensured through compliance with Council's policy: Privacy Management Plan.</p>	<ol style="list-style-type: none"> <li>Section 2.5 to be moved above 2.3 car parking.</li> <li>Clause 2.5.3 to be amended to clarify that registration on Council website is an obligation of all owners/managers, despite the regulatory avenue (exempt or DA).</li> </ol>

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3946663	15	5 Feb 16	Tweed Heads	<p>Issue 1: Short term rental accommodation should be permitted in new and larger residential areas west of Tweed Coast Road. The older beach enclaves should be excluded and protected (to not become ghost-like suburbs).</p> <p>Issue 2: The policy does not describe the benefits and impacts of short term rental on individual communities.</p> <p>Issue 3: Short stays for up to three nights tend to create more impact on neighbourhoods that longer stays – the policy should reflect that.</p> <p>Issue 4: Register on TSC website, its maintenance and TSC staff time will be funded by taxpayers who receive no direct benefit.</p> <p>Issue 5: The policy does not address the issue of garages or studios converted into short term rental.</p> <p>Issue 6: The signage must state the maximum number of beds, TSC logo and ID number</p> <p>Issue 7: Requirement provided in 3.1.1 of the policy should be enforced by compliance inspections, and requirement to display a 'clean checklist'.</p> <p>Issue 8: The maximum number of occupants should be reduced to 2 per bedroom.</p> <p>Issue 9: Point k of the proposed Terms and Conditions should be updated to refer to Council or police, not just owners and managers.</p> <p>Issue 10: Timeframes of swimming pool and use of deck and balconies should be specified and exclude 10pm-8am.</p> <p>Issue 11: Arrangements related with pick up of keys should be removed as it is not a matter that should be considered by Council.</p> <p>Issue 12: Supports requirement to manage a log of stays and insurance requirements.</p>	<p>Response to issue 1: There is no data available to support the view that short-term rental accommodation may significantly reduce housing supply in a given area. The policy includes a mechanism of an annual review, which will enable future amendments should such impacts be identified in the future.</p> <p>Response to issue 2: Data regarding impacts of short term rental accommodation on neighbourhoods and housing affordability is limited and does not provide convincing evidence to support or oppose to this submission. As part of the post-exhibition review of the draft policy and the planning proposal, Council will consider amendments allowing review of the impacts of this policy.</p> <p>Response to issue 3: The policy includes a succinct definition of breaches to the local amenity and mechanisms to mitigate these impacts.</p> <p>Response to issue 4: Registration on Council website will involve an admin fee.</p> <p>Response to issue 5: The policy permits short-term rental accommodation in existing dwellings only. This does not allow for use of garages or studios for such purpose.</p> <p>Response to issue 6: One of the guiding principles of the proposed policy is the self-regulatory approach. Placing Tweed Shire Council logo and imposing standards on business identification signs is inconsistent with this approach.</p> <p>Response to issue 7: This is outside the scope of Council regulation.</p> <p>Response to issue 8: the current provision allowing 2 guests per bedroom plus 2 appears to be more flexible and suitable particularly for families holidaying with small children. Additional 2 guests in dwelling should not significantly impact on the amenity of the neighbourhood. This issue may be further investigated as part of annual review of the policy.</p> <p>Response to issue 9: this has been based on the Code of Conduct template, prepared by industry association and recommended by the State Government.</p> <p>Response to issue 10: The policy identifies a definition of amenity breach, which includes <i>'Noise offensive to neighbours at any time'</i>. Prohibiting access to balconies, decks and swimming pools at specific hours is unnecessarily restrictive.</p> <p>Response to issue 11: comment supported.</p> <p>Response to issue 12: noted</p>	

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3947194	16	5 Feb 16	Fingal Head	Short-term rental should not be possible in an area zoned low density residential.	Response to issue 1: Most of the coastal villages are zoned R2 Low Density Residential. Instead of prohibiting this land use, Council prepared a draft Policy and a planning proposal aiming to allow this form of land use subject to compliance with regulations provided within the policy	No changes to the planning proposal and the draft policy
3947214	17	5 Feb 16	Mur'bah	Issue 1: the proposed policy might have little effect on reducing problem tenants during peak season, but will impact those who have legitimate need for off-peak accommodation for a few weeks at a reasonable tariff. Issue 2: Costs and uncertainty of the DA process will definitely be off-putting and a few property owners would pursue this path.	Response to issues 1 and 2: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent. The vast majority of commercial forms of land use require DA process therefore this requirement should not be considered as disincentive or too restrictive.	
	18	5 Feb 16	Pottsville	Issue 1: Considers 62 days per year to be too short for the holiday destinations in the Shire. This period should be extended to 6 months. Issue 2: The amendment is a disincentive to purchase a dwelling for holiday accommodation or to use existing dwellings for that purpose for more than 62 days. Issue 3: The DA process is costly, takes time, and its results are uncertain. Issue 4: In result of the amendment, owners may restrict this use to 62 days which will have substantial loss to local businesses, particularly during the off-peak periods. Issue 5: The policy should recognise holiday accommodation as a legitimate use, particularly in coastal communities. Issue 6: The amendment should place more onus on owners to effectively deal with complaints, for example by ensuring someone is "on site" and can immediately respond to neighbourhood complaints. This would create business and employment opportunities for local real estate agents.	Response to issue 1: The proposed period of 62 days aims to enable use of dwellings for short-term rental accommodation during periodical absence of owner-occupiers. Such use for longer than 62 days will require development consent. Development consent is considered to be appropriate avenue of regulating extended use of residential dwellings for short-term rental accommodation. Response to issue 2 and 3: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent. The vast majority of commercial forms of land use require DA process therefore this requirement should not be considered as disincentive. Response to issues 3 and 4: Costs of the DA process are fixed and specified under Council's schedule of fees and charges. These costs are not considered to be high enough to influence on decision to restrict commercial use of dwellings as short term rental accommodation to 62 days. Issue 5: this is the purpose of the amendment. Issue 6: The policy has been prepared to facilitate 'self-regulation' of the short term rental. The policy will be subject to an annual review to ensure its efficiency.	No changes to the planning proposal and the draft policy.
	19	12 Feb 16	Pottsville	Issue 1: Considers 62 days per year to be too short for the holiday destinations in the Shire. This period should be extended to 6 months. Issue 2: The amendment is a disincentive to purchase a dwelling for holiday accommodation or to use existing dwellings for that purpose for more than 62 days.	Response to issue 1: The proposed period of 62 days aims to enable use of dwellings for short-term rental accommodation during periodical absence of owner-occupiers. Such use for longer than 62 days will require development consent. Development consent is considered to be appropriate avenue of regulating extended	No changes to the planning proposal and the draft policy.

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ECM No	No	Date	Suburb	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATION
				<p>Issue 3: The DA process is costly, takes time, and its results are uncertain.</p> <p>Issue 4: In result of the amendment, owners may restrict this use to 62 days which will have substantial loss to local businesses, particularly during the off-peak periods.</p> <p>Issue 5: The policy should recognise holiday accommodation as a legitimate use, particularly in coastal communities.</p> <p>Issue 6: The amendment should place more onus on owners to effectively deal with complaints.</p>	<p>use of residential dwellings for short-term rental accommodation.</p> <p>Response to issue 2 and 3: According to the proposed regulations, permanent use of dwellings as short-term rental accommodation will require development consent. The vast majority of commercial forms of land use require DA process therefore this requirement should not be considered as disincentive.</p> <p>Response to issues 3 and 4: Costs of the DA process are fixed and specified under Council's schedule of fees and charges. These costs are not considered to be high enough to influence on decision to restrict commercial use of dwellings as short term rental accommodation to 62 days.</p> <p>Issue 5: this is the purpose of the amendment.</p> <p>Issue 6: The policy has been prepared to facilitate 'self-regulation' of the short term rental. The policy will be subject to an annual review to ensure its efficiency.</p>	
	20	16 Feb 16	-	<p>Issue 1: amend the definition of serviced apartment in the Standard Instrument (proposed wording provided in the submission).</p> <p>Issue 2: Dividing short term rental into exempt and DA on the basis of duration of that use is not sound – experience indicates that full time investment properties tend to be appropriately managed and as such their impact on the amenity is smaller.</p> <p>Issue 3: The requirement to provide approval from the owners' corporation where short term rental is intended in a community or strata scheme development (subclause (6) of exempt development) is unnecessary and unworkable.</p> <p>Issue 4: Submission recommends that Council also incorporates the House Rules mechanism into the proposed policy and controls.</p>	<p>Issue 1: the definitions in question are within the Standard Instrument order (LEP Template), administered by the State Government. Council may refer this comment to the NSW Planning &amp; Environment as part of further consultation.</p> <p>Issue 2: Comment noted. Both permanent and temporary short-term rental accommodation will be subject to identical regulations related with management and residential amenity. Exempt provisions have been proposed to facilitate temporary short-term rental.</p> <p>Issue 3: Submission provides a reference to s139 (2) of the Strata Schemes Management Act 2015, which states that 'no by-law is capable of operating to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing relating to a lot'.</p> <p>Issue 4: During the preparation of the policy, consideration was given to House Rules. Whilst the House Rules section is not directly referred to in the exhibited policy, its aims and key provisions (noise, waste management, etc.) are identified and regulated.</p>	<p>In response to issue 3, it is recommended to amend the planning proposal to ensure its constancy with the Strata Schemes Management Act 2015, by removing subclause (6) of the proposed exempt development provisions.</p>