

# **Submission on Short-term Rental Accommodation Planning Framework (October/November 2018)**

## **Introduction**

Northern Beaches Council appreciates the opportunity to make the attached tabled submission on the NSW Government's Short-term Rental Accommodation Planning Framework.

Council acknowledges and supports the whole of Government approach proposed by the NSW Government to progress towards the best regulatory framework, addressing land use and planning concerns, strata managed buildings and the amenity of residents and safety of STRA users. Notwithstanding substantial contributions to local visitor accommodation made by STRA, Council also identifies the need for further research into current and future impacts of STRA on housing affordability in local areas such as the Northern Beaches.

Due to the tight public exhibition and submission timeframe, Council could not endorse this submission prior to forwarding it to the Department of Planning and Environment (the Department) to meet the 16 November 2018 submission deadline. Please be advised that Council will consider this submission at its meeting on 27 November 2018 and will notify the Department if any modifications to the submission are endorsed by Council at that meeting.

**Northern Beaches Council Consideration of the Summary of Proposed Changes**

	Topic	EPI	Proposed change	Intention	Northern Beaches Council Consideration
1	Definition	SI Order	Add a definition for 'short-term rental accommodation'. Add a note under the tourist and visitor accommodation definition that it does not include 'short-term rental accommodation'.	To provide greater certainty and clarity for councils, industry and community and to distinguish between STRA and traditional accommodation uses.	Council agrees with the provision of a standard definition for STRA and the need to make it clear that STRA is not a form of 'tourist and visitor accommodation'  <b>Recommendation:</b> Council will need to work with the Department to update Pittwater LEP 2014 to align with the proposed SI Order amendment as the LEP currently contains different provisions for short term holiday rental accommodation.
2	Permissibility	SI Order	Make it clear that STRA will be permissible in zones in which dwellings are permissible.	To provide land use permissibility for STRA.	Council understands that the State-Wide permissibility of STRA has already been endorsed by Government, however Council would like to re-emphasise a preference for individual Council's to be able to establish location specific local policy responses to issues in consultation with their local communities.
3	Exempt Development	Codes SEPP	Add 'short-term rental accommodation' including development standards required.	To enable the temporary use of dwellings as STRA for visitors based on certain criteria.	Council understands that the State-Wide permissibility of STRA and number of days in which it can take place has already been endorsed by Government, however Council would like to re-emphasise a preference for individual Council's to be able to establish location specific local policy responses to issues in consultation with their local communities.
4			Include a provision that STRA is permitted as exempt development year round (365 days) where the host is present on-site overnight.	To enable STRA in this circumstance, recognising the lower impact of activity.	Reiterate point 3 above.  Agree with distinguishing between whether the host is or is not present.

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5			<p>Include a provision that, if the host is not present, STRA is permitted in a dwelling on land that is not bushfire prone as exempt development;</p> <ul style="list-style-type: none"> <li>- year round (365 days), if the property is outside Greater Sydney.</li> <li>- for no more than 180 days per year if the property is in Greater Sydney.</li> </ul>	To define the maximum period for dwellings to be used for STRA in a calendar year, when the host is not present.	<p>Reiterate point 3 above.</p> <p>What about protection from hazards other than bush fire prone land? For example, in light of recent flooding events in the Northern Beaches Council area, flood prone land is also a risk for STRA users that should be considered for management via the exempt and complying provision of the SEPP.</p> <p><b>Recommendation:</b> Extend this provision to exclude land that is subject to other hazards such as flooding.</p>
6			Include a provision that allows Councils outside Greater Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days to no lower than 180 days, if they wish.	To recognise local differences and communities' needs in regional NSW.	N/A
7			Include minimum fire safety and evacuation requirements for individual premises used for STRA.	To ensure the safety of visitors using STRA.	<p>Concerned that there is limited oversight to ensure compliance with fire safety and evacuation requirements via exempt development, notably for STRA currently operating without consent.</p> <p><b>Recommendation:</b> There may be opportunity to require website operators to request evidence from STRA operators that their properties meet the fire safety and evacuation requirements prior to advertising properties on their websites?</p>

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8	Complying Development	Codes SEPP	<p>Include a provision that, if the host is not present and the property is on bushfire prone land (&lt;BAL29), STRA is permitted in a dwelling as complying development:</p> <ul style="list-style-type: none"> <li>- year round (365 days), if the property is outside Greater Sydney</li> <li>- for no more than 180 days per year if the property is in Greater Sydney</li> </ul>	<p>To recognise local differences and communities' needs in regional and metropolitan NSW.</p> <p>To ensure safety on bushfire prone land.</p>	<p>What about protection from hazards other than bush fire prone land? For example, in light of recent flooding events in the Northern Beaches Council area, flood prone land is also a risk for STRA users that should be considered for management via the exempt and complying provision of the SEPP.</p> <p><b>Recommendation:</b> Extend this provision to exclude land that is subject to other hazards such as flooding.</p>
9			Include a provision that allows councils outside Greater Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days down to no less than 180 days, if they wish.	To recognise local differences and communities' needs in regional NSW	N/A
10			Include minimum fire safety and evacuation requirements for individual premises used for STRA	To ensure the safety of visitors using STRA	Agree

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11	Permissibility of STRA – Potential Impacts on the supply of affordable housing	SI Order	Page 10 of the <i>Explanation of Intended Effect</i> states the following: “ <i>STRA is intended to be permissible in secondary dwellings. It is proposed that some forms of residential accommodation, such as boarding houses, seniors housing and group homes will be excluded from STRA use to ensure they continue to meet their intended purpose. STRA will also be excluded from ‘affordable rental housing’ approved under SEPP (Affordable Rental Housing) 2009 and SEPP No.70 Affordable Housing (SEPP 70).</i> ”	Minimise impacts on the supply of affordable rental housing	<p>Council agrees that some forms of residential accommodation such as boarding houses, seniors housing and group homes and ‘affordable rental housing’ approved under SEPP (Affordable Rental Housing) 2009 and SEPP No.70 (Affordable Housing) should be excluded from use as STRA to ensure they continue to meet their intended purpose.</p> <p>There is growing evidence that the expansion of STRA is impacting on the affordability of longer term rental accommodation. As noted in the Options Paper, a number of international cities have taken action to control and restrict STRA in an effort to address this concern. It is increasingly evident that many parts of Sydney are subject to the same pressures as these cities. Further research into the economic impacts of short-term letting on local communities is of interest to Council. In this regard further research is required to establish whether such holiday lettings impact on the provision of affordable rental accommodation in the Council area.</p> <p><b>Recommendation:</b> Council should be able to specify the number of days per year that letting can occur through its LEP.</p>

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	STRA on Bushfire Prone Land where the property exceeds BAL29 bushfire risk.	Codes SEPP	Page 12 of the <i>Explanation of Intended Effect</i> states the following: “ - <i>Where property exceeds BAL29 bushfire risk, it is proposed that a development application would be required to undertake STRA</i> ”	To ensure the safety of visitors using STRA	<p>Council queries how development applications for STRA on bushfire prone land that exceed a BAL29 bushfire risk should be assessed. Council requests that the Department provide development assessment guidelines to this affect.</p> <p>Also, in order to obtain development consent for a STRA that exceed a BAL29 bushfire risk would existing dwellings require upgrades (physical alterations and additions) to meet requirements of the Building Code of Australia AS 3959-1999? If yes, this appears to conflict with Section 4.1.1 of the Explanation of Intended Effects (Changes to SI Order) – that states: “<i>The indicative definition is intended to enable the use of a dwelling for STRA as part of its residential use where.....no physical alterations or additions would be made to accommodate the STRA use</i>”.</p> <p><b>Recommendation:</b> Clear guidelines are provided to Councils regarding the development assessment process for STRA applications with a BAL greater than 29 bushfire risk. The Department clarify the relationship between the proposed SI Order (no physical alterations and additions) and upgrades required to address bushfire risk</p>