

Short-term Holiday Rental of Dwellings - Amendment to Great Lakes LEP 2014

Proposal Title : Short-term Holiday Rental of Dwellings - Amendment to Great Lakes LEP 2014

Proposal Summary : The proposal seeks to introduce a new local clause to allow the use of dwellings for short term holiday accommodation.

It is proposed to allow dwellings that have up to 4 bedrooms to be used for short term holiday rentals without development consent, and to require those with 5 or more bedrooms to be permitted with development consent.

PP Number : PP_2014_GLAKE_007_00 **Dop File No :** 14/19829

Proposal Details

Date Planning Proposal Received :	26-Nov-2014	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :		City :	Postcode :
Suburb :			
Land Parcel :	LGA wide		

DoP Planning Officer Contact Details

Contact Name : Dylan Meade
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RPA Contact Details

Contact Name : Rebecca Underwood
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council requests use of the Minister's delegations to finalise this planning proposal. This request is supported as the proposal is considered a matter of local planning significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The statement of objectives provided explains the proposal intends to enable the use of dwellings as short term holiday rental accommodation.

The statement of objective is supported.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions provided explains the intent of proposal will be achieved through an amendment to the Great Lakes LEP 2014 to insert a new local clause. The explanation of provisions also contains wording for a possible clause with a note that the wording will be subject to legal drafting.

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.2 Coastal Protection

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required as this is a policy amendment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposed a community consultation period of 28 days. The proposal is considered of low impact under 'A Guide to Preparing LEPs', and as such a minimum exhibition period of 14 days is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in relation to Principal LEP :

The standard instrument Great Lakes LEP 2014 is in force.

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Assessment Criteria

Need for planning proposal :	The planning proposal is required to introduce provisions for short-term holiday rental accommodation into the Great Lakes LEP 2014. This is in response to a number of enforcement issues related to the current use of dwellings for short term holiday rental accommodation.
Consistency with strategic planning framework :	MID NORTH COAST REGIONAL STRATEGY (MNCRS) The planning proposal is consistent with the outcomes and actions of the MNCRS, particularly the outcome to provide a range of tourism opportunities across the Region. STATE ENVIRONMENTAL PLANNING POLICIES (SEEPs) The planning proposal is considered consistent with all relevant SEPPs LOCAL PLANNING (SECTION 117) DIRECTIONS Council has identified a number of Section 117 Directions that are relevant to the proposal. The proposal is consistent with all of these Directions as the proposal only allows existing dwellings to be used for short term holiday rentals.
Environmental social economic impacts :	ENVIRONMENTAL The proposal is considered to have limited impacts on the natural environment. It will not permit dwellings in any additional areas, only allow existing dwellings to be used for short-term holiday rental. SOCIAL AND ECONOMIC The proposal will have positive social impacts by allowing management of noise and other amenity issues associated with current use of dwellings for short term holiday rental. There will be positive economic impacts through increased tourism opportunities from greater certainty on the use of dwellings for short term holiday rentals.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_GLC_Short Term Holiday Rental received 26.11.2014.pdf	Proposal	Yes
Letter Planning Proposal GLC Short Term Holiday Rental.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information :

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).**
- 2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**

It is also recommended that the General Manager - Hunter and Central Coast Region issue an authorisation for Council to exercise delegation to make this plan.

Supporting Reasons : **It is recommended that the proposal proceeds as it will introduce appropriate controls for the control for the use of dwellings for short term holiday rental accommodation.**

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Signature:

K. O'Flaherty

Printed Name:

K. O'Flaherty

Date:

9/12/14