

Planning Proposal to permit short-term holiday letting of residential dwellings

Proposal Title :	Planning Proposal to permit short-term holiday letting of residential dwellings		
Proposal Summary :	The planning proposal will amend the Gosford planning instruments to permit short term holiday letting of residential dwellings in zones where dwellings are permitted with consent.		
PP Number :	PP_2013_GOSFO_003_00	Dop File No :	13/08461

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : Recommended with Conditions			
S.117 directions :	1.1 Business and Industrial Zones 1.2 Rural Zones 2.1 Environment Protection Zones 2.2 Coastal Protection 2.3 Heritage Conservation 3.1 Residential Zones 3.4 Integrating Land Use and Transport 4.1 Acid Sulfate Soils 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection 5.1 Implementation of Regional Strategies		
Additional Information :	-Council is to identify in the planning proposal the planning instruments which require amending prior to exhibition. -Council is to include supporting evidence in the planning proposal justifying its approach for dwellings based on the number of bedrooms that are exempt; require development consent and are prohibited prior to exhibition of the planning proposal. -4.3 Flood Prone Land - The DG agrees that the provisions that are inconsistent with the direction are of minor significance. -Consultation with the NSW Rural Fire Service is required to determine consistency with s117 direction 4.4 Planning for Bushfire Protection. -Exhibition for 21 days. -3 month timeframe		
Supporting Reasons :	To provide clarity to the community should the planning proposal be finalised in advance of the draft Principal LEP and give the community adequate time to comment on the proposal. Council has suggested the planning proposal would be resubmitted to the department for finalisation in October 2013 however a shorter timeframe is achievable.		

Panel Recommendation

Recommendation Date :	23-May-2013	Gateway Recommendation :	Passed with Conditions
Panel Recommendation :	The planning proposal should proceed subject to the following conditions: 1. Prior to undertaking public exhibition, Council is to update the planning proposal to clearly identify which planning instruments will be amended to achieve the intended outcome. The planning proposal is to be updated to include sufficient additional		

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information to justify its approach to permitting short term holiday letting as exempt development, with consent or prohibiting the use, based on the number of bedrooms within a dwelling.

2. 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 must be made publicly available for a minimum of 28 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 (Department of Planning & Infrastructure 2013).

3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.

4. 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegations:

Council has advised that it will not be seeking delegations in this instance. The LEP Review Panel has supported Council's position and has recommended not to issue Council with plan making delegation because the permissibility of short term holiday letting is a matter which is relevant across a number of coastal councils and a consistent approach is preferred.

Signature:



Printed Name:

NEIL SELMAN

Date:

28/5/13