

Wyong Short-term Rental Accommodation

Proposal Title : **Wyong Short-term Rental Accommodation**

Proposal Summary : **The planning proposal will amend Wyong LEP 2013 to enable short-term rental of dwellings in zones where dwellings are permitted with consent.**

PP Number : **PP_2014_WYONG_004_00**

Dop File No : **14/08356**

Proposal Details

Date Planning
Proposal Received : **19-May-2014**

LGA covered : **Wyong**

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **LAKE MACQUARIE
SWANSEA
TERRIGAL
THE ENTRANCE
WYONG**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Shire-wide**

DoP Planning Officer Contact Details

Contact Name : **G Hopkins**

Contact Number : **0243485002**

Contact Email : **garry.hopkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Peter Kavanagh**

Contact Number : **0243505537**

Contact Email : **peter.kavanagh@wyong.nsw.gov.au**

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 :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement is adequate.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions should be amended to acknowledge potential wording changes at drafting stage when the PP is submitted to the Parliamentary Counsel.

The provisions are similar to those included in Gosford LEP 2014. The PP would benefit from some comment on how Council has determined the thresholds between exempt development, development requiring consent and prohibited development.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

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2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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 :

117 direction 1.1 Business and Industrial Zones also applies as the PP affects land within Business and Industrial zones where dwellings are permitted (eg. residential flat buildings and shop top housing). The PP is consistent with the direction.

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

If No, explain :

117 direction 4.3 Flood Prone Land: The PP may apply to existing flood prone land and may enable development in existing dwellings that is technically inconsistent with the terms of the direction. However, in such cases the use would be located within existing dwellings and would not necessitate building augmentation. Although there is the potential for the use to permit development in floodway areas and be inconsistent with the direction, any inconsistency with the direction is considered to be of minor significance.

117 direction 4.4 Planning for Bushfire Protection: Council will need to consult with the NSW Rural Fire Service following a Gateway Determination. Consistency with the direction would need to be determined following agency consultation.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes 28 days. This is supported.**

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 :

Comments in
relation to Principal
LEP :**The PP amends WLEP 2013****Assessment Criteria**Need for planning
proposal :

The proposal is not based on any specific strategic study or report rather it responds to a Land & Environment Court decision concerning Gosford local government area. Wyong's intention is to provide legal support for the use while also providing controls to maintain residential amenity.

Consistency with
strategic planning
framework :

Tourism is identified in the Central Coast Regional Strategy as a key contributor to the CC economy. SRA is one of the primary sources of tourist accommodation.

Council considers the PP is consistent with the CCRS, Council's Settlement Strategy and Council's Community Strategic Plan.

Council considers the PP is consistent with all applicable State Environmental Planning Policies.

As discussed, the PP is consistent with all 117 directions except:

- 4.3 Flood Prone Land: any inconsistency is considered minor**
- 4.4 Planning for Bushfire Protection: Council will consult RFS as required**

Environmental social
economic impacts :

The PP recognises the potential for negative social effects due to the behaviour of occupiers of SRA. Council considers the introduction of the proposed planning provisions will assist in addressing amenity concerns however the need for other mechanisms such as Codes of Conduct and compliance is recognised.

Council has identified the economic benefits of tourism to the Central Coast and the important role SRA plays in meeting accommodation needs.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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 :

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Identify any additional studies, if required. :

If Other, provide reasons :

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.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Council is to update the 'explanation of provisions' to acknowledge potential wording changes at drafting stage.
- 2. Council is to update the PP with comment justifying the thresholds it has selected between exempt development; development requiring consent and prohibited development.
- 3. The Acting Secretary agrees that the provisions that are inconsistent with section 117 direction 4.3 Flood Prone Land are of minor significance.
- 4. Consultation with the NSW Rural Fire Service is required to determine consistency with section 117 direction 4.4 Planning for Bushfire Protection.
- 5. The Planning Proposal must be made publicly available for a minimum of 28 days.
- 6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.
- 7. Council be granted delegation to make the plan.

Supporting Reasons : *

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Signature:



Printed Name:

G HOPKINS

Date:

30 May 2014