

(a) Short-term holiday rental accommodation and (b) Temporary Events

Proposal Title :	(a) Short-term holiday rental accommodation and (b) Temporary Events		
Proposal Summary :	Prescribing circumstances for the rental of dwellings as short-term holiday accommodation, and the holding of temporary events, to be treated as Exempt Development		
PP Number :	PP_2015_GLOUC_001_00	Dop File No :	15/11219

Proposal Details

Date Planning Proposal Received :	14-Aug-2015	LGA covered :	Gloucester
Region :	Hunter	RPA :	Gloucester Shire Council
State Electorate :	UPPER HUNTER	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	(a) various residential property and (b) various public reserves and public lands		

DoP Planning Officer Contact Details

Contact Name :	Ken Phelan
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RPA Contact Details

Contact Name :	Aaron Kelly
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :

Date of Release :

Area of Release (Ha) : 0.00

Type of Release (eg Residential / Employment land) : N/A

No. of Lots : 0

No. of Dwellings (where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

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 : **Short-term Rental Accommodation****The amendment aims to enable the short-term rental of dwellings as exempt development.****Temporary Events****The amendment aims to enable, without development consent, certain temporary events and associated development on public reserves and public land and remove the duplication of approval processes under the Local Government Act 1993 and Environmental Planning and Assessment Act 1979.****These objectives for rental accommodation and temporary events are supported.****Explanation of provisions provided - s55(2)(b)**Is an explanation of provisions provided? **Yes**Comment : **The proposal explains that the objectives are to be achieved by amendment of Gloucester LEP 2010, by including two new clauses, pursuant to Council's resolution of 15 July 2015.****The proposal needs to be amended to make it clear, consistent with Council's resolution, that short term rental accommodation will be exempt development irrespective of the number of bedrooms in the dwelling.****Council may need to further amend the provisions relating to short term rental accommodation, prior to exhibition, following consultation with NSW Rural Fire Service.**

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

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

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

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? **No**

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

d) Which SEPPs have the RPA identified?

N/A

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

The NSW Rural Fire Service (RFS) has raised concerns with similar proposals in other Council areas. As such consideration of s117 direction 4.4. Planning for Bushfire Protection and referral to RFS will be required prior to exhibition.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposals (a) apply to current and future zones where a dwelling is permissible, and (b) to current and future land that is public reserve or public land, and mapping is not required.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A 28 day public consultation period is proposed which is supported having regard to the likely wide geographic and sectoral spread of stakeholders.

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 :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Gloucester Local Environmental Plan 2010 was signed by the Minister on 9 June 2010.

Assessment Criteria

Need for planning
proposal :

Facilitating short-term accommodation spaces and temporary events venues may strengthen the tourism sector and diversify the Gloucester economy.

Short term rental accommodation may also offer accommodation for workers associated with seasonal harvesting and workers at fly-in/ fly-out and drive-in/ drive-out resources projects.

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Consistency with strategic planning framework :

The 2012 Upper Hunter Strategic Regional Land Use Plan (UHSRLUP)

This plan and the Upper Hunter Economic Diversification Report, recognise the narrow economic base of Gloucester and the need to build upon the strengths of its existing tourism sector to diversify the regional economy to make it more resilient to change. The proposal is also consistent with Gloucester's Community Strategic Plan and its 'Directions' for affordable housing, organic growth and attraction of new business.

The Gloucester Economic Development Strategy identifies opportunities to build on its strengths in local food and wine towards diversifying this sector's offerings.

Temporary events will contribute to Council's strategy to attract and support activities close to Gloucester town centre. Central Gloucester is known for its annual Snowfest event and smaller-scale food and wine promotions.

State Environmental Planning Policies (SEPP)

Council concludes that no SEPP's are applicable to either of the two amendments within this planning proposal. This is agreed.

Section 117 Directions- Short-term Rental of Housing

Attachment 1 to the Planning Proposal identifies a number of applicable Section 117 Directions, with which the proposal is either not inconsistent or inconsistency would be considered as minor with the matter being considered either subject to assessment at the development application stage of the original dwelling, being:

1.2 Rural Zones- not inconsistent

1.5 Rural Lands- not inconsistent

2.1 Environmental Protection Zones- would have been considered for the original dwelling

2.3 Heritage Conservation- would have been considered for the original dwelling

2.4 Recreation Vehicle Areas- not inconsistent

3.1 Residential Zones- infrastructure utilisation would have been considered for the original dwelling

3.2 Caravan Parks and Manufactured Home Estates- not inconsistent

3.3 Home Occupations- not inconsistent

3.4 Integrating Land Use & Transport- not inconsistent

3.5 Development Near Licensed Aerodromes- would have been considered for the original dwelling

5.1 Implementation of Regional Strategies- not inconsistent with Upper Hunter Strategic Land Use Plan, 2012

6.1 Approval and Referral Requirements- The Proposal minimises the need for referrals by requiring the use to apply only to existing dwellings.

The proposal is consistent with the above Directions.

Consistency or otherwise has not been demonstrated in respect of the Directions-

4.3 Flood Prone Land-

This Direction applies as some of the dwellings the subject of this Direction are located on land known to be flood prone. Council concludes that consistency with this Direction would have been considered for approval the original dwelling. However the NSW Floodplain Development Manual recommends that the exempt and complying development categories be excluded from known flood prone areas. Additionally the risk to occupants in the event of flood will be greater to visitors and tourists who are not necessarily related, or even known, to the house-owner and therefore have a limited opportunity to become familiar with flood behaviour, safeguards or places of refuge in that locality.

It is recommended that Council consult the NSW State Emergency Service for advice on this matter.

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4.4 Planning for Bushfire Protection- Council concludes that bushfire protection would have been considered for the original dwelling in each case of short-term rental property. However, this may not be the case with some older or rural houses. Furthermore the use of a house for tourism purposes is considered by NSW RFS as tourist and visitor accommodation and may require additional measures for protection, they are also subject to section 100B of the Rural Fire Act and require a Bushfire Safety Authority. The Rural Fire Service has raised concerns, elsewhere, about short-term rental of housing in bush fire prone areas. Therefore the proposal is conditioned to be referred by Council to either confirm consistency with this Direction or to make the necessary changes to the proposal to satisfy the requirements of the Rural Fire Service.

Section 117 Directions: Additional Considerations for Temporary Events-

6.2 Reserving Land for Public Purposes- not inconsistent and encourages the reservation and diversified use of public land such that the income would enable better maintenance

Temporary events are to be made permissible in public parks or streets under the Gloucester LEP 2010 'exempt' development category. This will be applicable to a wide range of land uses characterised as 'temporary' and only under specified circumstances. The proposal does not entail the reservation of land to be acquired for public purposes. The proposal is consistent with this Direction.

6.1 Approval and Referral Requirements-

The proposal will remove the dual consent requirements under both the Local Government Act and the Environmental Planning and Assessment Act.

The proposal is consistent with this Direction.

Environmental social
economic impacts :

Economic Impacts-

Short-term rental options may generally assist the mobility of labour across the resources, services, agriculture and tourism sectors.

Temporary events on public land, streets and reserves will assist in diversifying Gloucester's visitor economy.

Social Impacts-

Simplifying the process of staging events will be likely to foster this community's enterprise and volunteerism.

Short-term rental of houses to visitors may have synergies with temporary events so as to boost tourism.

Environmental Impacts-

Rental accommodation will use existing approved dwellings and so will have similar environmental impacts.

Events on public land/ streets will continue to be assessed, and their impacts mitigated, under the Local Government Act.

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

Timeframe to make LEP : **9 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 :

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
Short Term Rental Accommodation Planning Proposal 20 July 2015.pdf	Proposal	Yes
Planning Team Report-signed.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 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**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

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Additional Information : It is recommended that this planning proposal to amend Gloucester LEP 2010 proceed subject to the following conditions:

1. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

(a) the Planning Proposal be made publicly available for a minimum 28 days.

(b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013).

2. Council refer the proposal to the NSW Rural Fire Service prior to public exhibition for advice in determining its consistency with Section 117 Direction 4.4- Planning for Bushfire Protection. Council make the necessary amendments to the proposal to reflect this advice, including amending the reference to bushfire risk.

3. Council refer the proposal to the NSW SES prior to public exhibition for advice in determining its consistency with Direction 4.3 and the NSW Floodplain Development Manual.

4. The planning proposal be amended to delete references to a planning process being followed for the short-term rental of houses with more than four bedrooms, consistent with the Council resolution.

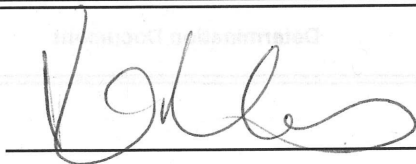
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to submission if reclassifying land).

7. The time-frame for completing the LEP is to be 9 months following the Gateway Determination.

8. The Council exercise its delegations in respect of the Minister for Planning and Environment's plan making function under s.59(1) of the EP&A Act for this planning proposal.

Supporting Reasons : Short-term rental of houses and temporary events on public lands are not specifically permissible under the Gloucester LEP 2010. These exemptions will bring clarity to these activities while removing the need to obtain development consent. No objection was raised by the Department's Codes Team.
Events will continue to be subject to approval under Chapter 7 and Section 89 of the NSW Local Government Act, 1993, including Section 72 if on Crown Land.

Signature:



Printed Name:

K. O'Flaherty

Date:

31-8-15