

Short term rental accommodation

Proposal Title : **Short term rental accommodation**

Proposal Summary : **Proposal will permit the use of approved dwellings for short term rental accommodation. The proposal establishes criteria to categorise the use as Exempt development or as development requiring consent.**

PP Number : **PP_2015_SHELL_005_00**

Dop File No : **15/16207**

Proposal Details

Date Planning : **04-Nov-2015**

Proposal Received :

LGA covered :

Shellharbour

Region :

Southern

RPA :

Shellharbour City Council

State Electorate :

SHELLHARBOUR

Section of the Act :

55 - Planning Proposal

LEP Type :

Policy

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The proposal will apply to all land affected by Shellharbour LEP 2013**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**

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RPA Contact Details

Contact Name : **Ian Rankine**

Contact Number : **0242216111**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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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 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 :

A copy of the proposal was provided to the Housing Policy team and they did not object to the approach taken by Council whereby some forms of short term rental accommodation will require consent and other forms will be exempt development.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The information provided explains the intended outcome of the proposal to allow the use of approved dwellings for short term rental accommodation (holiday letting) subject to compliance with certain criteria.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal clearly identifies the proposed changes to the LEP. These changes involve:**
1. Introducing a definition for 'short term rental accommodation';
2. Adding Short Term Rental Accommodation to Schedule 2 Exempt Development; and
3. Adding a clause that requires development consent for Short Term Rental Accommodation (where it does not meet the criteria for Exempt Development) and identifies issues to be considered.

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

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Is the Director General's agreement required? **N/A**

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? **N/A**

If No, explain :

Section 117 Directions

The proposal is consistent with all relevant s117 Directions and no further approval is required while the proposal remains in its current form.

Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposal does not involve changes to the LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed an exhibition period of 28 days. This is considered appropriate.

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 Shellharbour LEP is in operation.

Assessment Criteria

Need for planning proposal :

Council has identified that tourist and visitor accommodation is increasing in demand, including for short term holiday rental (holiday letting) within the Shellharbour LGA. This proposal will provide a clear process for considering and assessing short term holiday rentals to assist in managing this form of accommodation.

Many Councils are choosing to address short term rental accommodation in their LEPs.

Consistency with strategic planning framework :

The proposal is not inconsistent with the strategic planning framework.

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Environmental social
economic impacts :

The proposal involves the use of existing approved dwellings so it will not have a negative impact on critical habitat or threatened species.

The tourist use of dwellings in residential areas has the potential to cause adverse social impacts - such as excessive noise, car parking, anti-social behaviour. This proposal aims to minimise the potential for these impacts through the set criteria and setting thresholds for the requirement for development consent.

Short term holiday rentals provide an economic benefit to the local community and open up opportunities for tourism.

Assessment Process

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

Timeframe to make LEP : **9 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 :

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 & covering letter.pdf	Proposal	Yes
Short term rental accommodation - council report and supporting documents.pdf	Proposal	Yes

Planning Team Recommendation

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

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S.117 directions:

Additional Information : It is **RECOMMENDED** that the Acting General Manager, Southern Region as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan 2013 to permit short term rental accommodation - either with or without development consent subject to meeting set criteria, should proceed subject to the following conditions:

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 to be made publicly available for 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 local environmental plans (Department of Planning and Infrastructure 2013).
2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is required to be held into the matter 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 9 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that the planning proposal is consistent with all relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons : This proposal supports the tourist use of existing dwellings which provides economic and social benefits; while ensuring that potential social issues are considered.

Many councils are choosing to address this issue in their LEPs.

Signature:

G. Towers Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

26/11/15