



3 November 2015

Team Leader Local Planning
Southern Region
Department of Planning & Environment
PO Box 5475
WOLLONGONG NSW 2520

Shellharbour Local Environmental Plan 2013 Planning Proposal No 15

Dear Graham

Council at its meeting held on 27 October 2015 resolved to prepare a Planning Proposal to amend Shellharbour Local Environmental Plan 2013. The Planning Proposal is for the Local Government Area.

The Planning Proposal is to amend Shellharbour LEP 2013 to permit short term rental accommodation with and without development consent.

Council proposes to use its plan-making delegation under Section 59 of the *Environmental Planning & Assessment Act 1979* as it considers the matters included in the Planning Proposal are of local significance. Council seeks the Department's authorisation to use its plan-making delegation with this Planning Proposal. Notwithstanding the Council resolution to seek delegation, pending the outcome of the advice regarding use of delegation by Council, we may not use the delegation, if it is granted to Council.

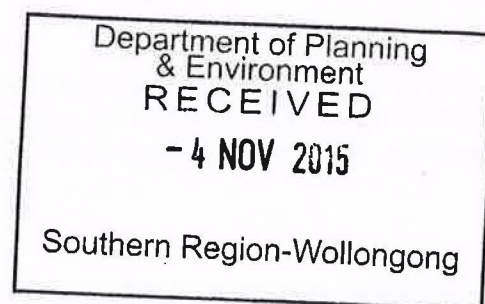
Under Section 56 of the *Environmental Planning & Assessment Act 1979*, the Planning Proposal is attached for your consideration.

Please contact me on 4221 6136 if you need more information.

Yours sincerely



Ian Rankine
Senior Strategic Planner



Attached

- o Planning Proposal. Note: The Planning Proposal attachments are found on the CD version only.

ENGLISH

If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

MACEDONIAN

Ако имате тешкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

SPANISH

Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

GERMAN

Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen entsprechenden Dolmetscher hinzurufen.

ITALIAN

Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

GREEK

Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ. 4221 6111), ή αν επιθυμείτε ελάτε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

CROATIAN

Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

PORTUGUESE

Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

SERBIAN

Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако желите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

TURKISH

Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

POLISH

Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: City – Wide where dwellings are permitted

Part 1 Objectives or intended outcomes.

To permit the use of an approved dwelling for short term rental accommodation (holiday letting) subject to compliance with specific criteria

Part 2 An explanation of the Provisions that are to be included in the proposed local environmental plan.

A. Introduce into Shellharbour Local Environmental Plan (LEP) 2013 the following definition of short term rental accommodation.

- i. Short term rental accommodation means a dwelling that is commercially available for rent as short term rental accommodation for a period no greater than 90 consecutive days in any 12 month period, and that does not involve:
 - a. Interference with the amenity of the neighbourhood by reason of the emission of noise, car parking, traffic generation or anti-social behaviour, or
 - b. The exhibition of any signage (other than a business identification sign and a notice that is erected within practical viewing from a public or common space providing 24 hour contact details in case of interference with the amenity of the neighbourhood).

but does not include bed and breakfast accommodation.

B. Introduce into Schedule 2 Exempt Development in Shellharbour LEP 2013 the following:

Short term rental accommodation

- i. The subject dwelling must be located in a zone where dwellings are permitted with consent.
- ii. The dwelling must not contain more than three bedrooms.
- iii. There must be no more than two persons per bedroom staying overnight.
- iv. There must be a minimum of one on-site car parking space per bedroom.
- v. A notice must be erected within practical viewing from a public or common space providing 24 hour contact details in case of interference with the amenity of the neighbourhood.
- vi. A notice must be erected in a prominent common area within the dwelling that provides the following information:
 - The property is located in a residential neighbourhood and guests need to abide with the issues outlined in this notice and the approval to operate the short term rental accommodation

- Must ensure that no offensive noise/anti-social behaviour is carried out that may affect neighbours particularly between the hours of 10pm to 8am
 - Must not result in inappropriate car parking on the street so as to cause traffic hazards and/or significant or ongoing loss of parking for adjoining or nearby residents
 - Must not exceed the maximum number of guests permitted at the property
 - Provide 24 hour contact details of managing agent, a security company or owner.
- vii. An adequate waste collection area suitable for the development and in a location that doesn't interfere with the amenity of the neighbourhood must be provided.
 - viii. The dwelling must be provided with general, recycling and organic waste bins of at least 240L capacity each.
 - ix. Each of the waste bins must be collected at least weekly.
 - x. If the dwelling is located in a bushfire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.
 - xi. The owner/manager must register the use of the dwelling for short term rental accommodation in Council's register prior to the initial use of the dwelling.
 - xii. There must not have been more than two substantiated written complaints to the Council or substantiated complaints to the NSW Police concerning the use of the dwelling for short term rental accommodation from the occupiers of separate dwellings located within 40 metres of the subject dwelling allotment within the preceding 12 months.

C. Introduce into Shellharbour LEP 2013 a new clause that includes the following:

Short Term Rental Accommodation

- a. The objectives of this clause are to:
 - i. require development consent for the temporary use of dwellings containing up to 5 bedrooms as short term rental accommodation;
 - ii. provide for the proper management of dwellings used for short term rental accommodation;
 - iii. minimise the impact of short term rental accommodation on surrounding properties.
- b. Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing up to 5 bedrooms as short term rental accommodation (except bed and breakfast accommodation).

- c. Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:
- i. There must be no more than two persons per bedroom staying overnight.
 - ii. There must be a minimum of one on-site car parking space per bedroom.
 - iii. A notice must be erected within practical viewing from a public or common space providing 24 hour contact details in case of interference with the amenity of the neighbourhood.
 - iv. A notice must be erected in a prominent common area within the dwelling that provides the following information:
 - The property is located in a residential neighbourhood and guests need to abide with the issues outlined in this notice and the approval to operate the short term rental accommodation
 - Must ensure that no offensive noise/anti-social behaviour is carried out that may affect neighbours particularly between the hours of 10pm to 8am
 - Must not result in inappropriate car parking on the street so as to cause traffic hazards and/or significant or ongoing loss of parking for adjoining or nearby residents
 - Must not exceed the maximum number of guests permitted at the property
 - Provide 24 hour contact details of managing agent, a security company or owner
 - v. Whether the proposed development has provided an adequate waste collection area suitable for the development and in a location that doesn't interfere with the amenity of the neighbourhood.
 - vi. The dwelling must be provided with general, recycling and organic waste bins of at least 240L capacity each.
 - vii. Each of the waste bins must be collected at least weekly.
 - viii. If the dwelling is located in a bushfire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.
 - ix. The owner/manager must register the use of the dwelling for short term rental accommodation in Council's register prior to the initial use of the dwelling.

Part 3 Justification for the objectives, outcomes, provisions and the process for their implementation.

Tourist and visitor accommodation is in increasing demand in the Shellharbour Council area. Short term rental accommodation is one form of tourist and visitor accommodation that is currently a prohibited use in Shellharbour LEP 2013.

This Planning Proposal provides two options for considering short term rental accommodation in our City.

1. Without consent (exempt development) subject to meeting specific requirements. Non-compliance with these requirements would mean the use requires development consent; and
2. Requires development consent and a number of issues are outlined in the clause that need to be considered before granting consent.

A. Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

No

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The use is currently prohibited and a Planning Proposal is the only mechanism to introduce the land use into Shellharbour Local Environmental Plan 2013.

The introduction of provisions into Shellharbour LEP 2013 is the preferred option over the Shellharbour Development Control Plan (the DCP). The DCP is a guide only whereas the LEP will provide legally enforceable requirements.

B. Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, see **Attachment 1**

2. Is the planning proposal consistent with a councils' local strategy, or other local strategic plan?

None apply

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, see **Attachment 1**

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes, see **Attachment 1**

C. Environmental, social and economic impact.

- 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No

- 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Minimal

- 3. How has the planning proposal adequately addressed any social and economic effects?**

The proposed use has the potential to cause adverse social impacts due to anti-social behaviour, car parking, excessive noise and the like. The proposed LEP amendments attempt to take the potential impacts into account by requiring consideration of those issues as part of the exempt and with consent requirements.

The proposed use has the potential to provide a positive economic benefit to our community. The use of dwellings for short term rental accommodation will result in rental income as well as the provision of ancillary support services and individual purchases.

D. State and Commonwealth interests.

- 1. Is there adequate public infrastructure for the planning proposal?**

Yes, utilising existing dwellings

- 2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

Subject to Gateway determination and public exhibition process

Part 4 Maps, where relevant to identify the intent of the planning proposal and the area to which it applies.

None for this Proposal

Part 5 Details of the community consultation that is to be undertaken on the planning proposal.

Subject to Gateway determination, 28 days

Part 6 Project timeline.

To be determined following Gateway determination

ATTACHMENTS

Attachment 1 – Summary of Planning Issues

Attachment 2 – Council meeting report and minutes 4 August & 27 October 2015