

**Submission
No 160**

**ADEQUACY OF THE REGULATION OF SHORT-TERM
HOLIDAY LETTING IN NEW SOUTH WALES**

Organisation: Kiama Municipal Council
Name: Mr Philip Costello
Position: Director Environmental Services
Date Received: 9/11/2015

Inquiry into the adequacy of the regulation of short-term holiday letting in NSW

Please accept the following points as Councils submission in regard to the above Inquiry;

- Short Term Rental Accommodation (STRA) is a significant component of the economy in many tourist destinations, particularly coastal locations. This is certainly the case in the Kiama Municipality.
- Kiama Council has recognised that STRA provide a type of accommodation suitable for families and groups and fills a void in the market not covered by the more structured hotel chains. Because management/staffing costs are lower for STRA, they are often a more cost effective accommodation type for families.
- STRA have operated in Kiama, like many other areas, well before the introduction of the Environmental Planning and Assessment Act, and likely before well-defined land use/zoning provisions.
- Council has no desire to prohibit the general operation of STRA and as such has made this form of land use permissible without development consent under Clause 6.10 of Kiama LEP 2011. Council is however very desirous of ensuring that STRA operate in a manner which does not have an adverse impact on the rest of the community. This can, at times, be difficult and problematic.
- Council is aware that ensuring STRA operate in line with community expectations is a statewide issue, and as such needs to be addressed at this higher scale.
- Current, standard template LEP provisions do not adequately define this type of land use nor offer any controls.
- The potential for STRA to benefit from “existing use right” provisions in the event of trying to introduce control through the development consent process makes this option not viable.
- Whilst the majority of STRA operate without incident, there are certainly premises that cause significant impact in their neighbourhood. From this Councils experience, these premises tend to be those that are managed by owners, online, and the owner is not living in the area to physically manage the property nor have they a local agent able to have a “hands on” management approach in the event of complaints regarding amenity.
- The following are the most often form of complaint received in regard to STRA in the Kiama area;
 - No local management to contact when unreasonable impact occurs,
 - Noise from groups socialising at late hours in close proximity to adjoining residential premises,
 - Noise from amplified music at unreasonable times of night,
 - Too many people accommodated for the size of premises,
 - Large number of vehicles taking up street parking,
 - General “party house” mentality and impact on adjoining residential use,

➤ High level of waste generation and indiscriminate disposal

- The potential to implement enforcement/punitive action is low having regard to the times when breaches generally occur. Police are the regulators for unreasonable, after hours noise, whilst they may issue directions, they are frequently unable to attend properties in a timely manner, and at times, not at all.
- Kiama Council is of a view that regulation of STRA is needed and supported by the community. A consistent, statewide approach is called for. Having regard to the complexities potentially encountered in the current development control process, this will require significant amendments to the current system or preferably, a regime specifically designed for STRA, where they may not need formal development consent, but are subject to a uniform set of controls, applicable across NSW. Such controls would need to address how properties are managed and a framework in which enforcement action may be taken in instances of breaches to local amenity.
- This Council has adopted a Development Control Plan which includes guidelines for the operation of STRA. This may be accessed at <http://www.kiama.nsw.gov.au/planning-and-development/strategic-planning/development-control-plans/kiama-development-control-plan-2012-dcp-2012->
- Council is happy to provide further information in regard the above if required,

Phil Costello

Director Environmental Services,

Kiama Municipal Council

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