

**Submission  
No 113**

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

**Organisation:** Shellharbour City Council  
**Name:** Mr Michael Tuffy  
**Position:** Acting Group Manager City Strategy  
**Date Received:** 6/11/2015

6 November 2015

The Chair

Committee on Environment and Planning

[environmentplanning@parliament.nsw.gov.au](mailto:environmentplanning@parliament.nsw.gov.au)

**Shellharbour City Council submission to the inquiry into the adequacy of the regulation of short-term holiday letting in NSW**

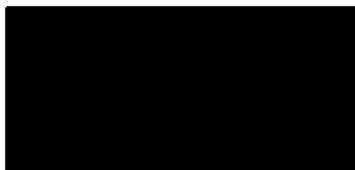
Dear Sir

Shellharbour City Council thanks you for the opportunity to make a submission to the inquiry.

Council endorsed on 27 October 2015 the attached report as its submission to the NSW Legislative Assembly Inquiry into short term holiday letting.

If you require more information, please contact Ian Rankine of Council's City Strategy Department on [REDACTED]

Yours sincerely



Michael Tuffy

**Acting Group Manager City Strategy**

**Shellharbour City Council**

**Submission to NSW Legislative Committee on Environment  
and Planning on the inquiry into the adequacy of the  
regulation of short-term holiday letting in NSW**

**27 October 2015**

**10.2.1 Proposal No. 15 Short Term Rental Accommodation - Proposal to Amend Shellharbour Local Environmental Plan 2013 (10607687)**

309 RESOLVED: Murray/Moran

That:

1. Council prepare Planning Proposal No 15 to amend Shellharbour Local Environmental Plan 2013 in the following manner:
  - A. Introduce into Shellharbour Local Environmental Plan 2013 the following definition of short term rental accommodation.

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 does not 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 as a short term rental accommodation from the occupiers of separate dwellings located within 40 metres of the subject dwelling within the preceding 12 months.
- C. Introduce into Shellharbour Local Environmental Plan 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 five 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 five 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, 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 does not 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.
2. Council authorise the General Manager to submit Planning Proposal No 15 to NSW Department of Planning & Environment in accordance with section 56 of the Environmental Planning & Assessment Act 1979 for review and gateway determination.
  3. Council seek plan-making delegations from the Minister for Planning for Planning Proposal No 15.
  4. Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to Planning Proposal No. 15 if and as required by the NSW Department of Planning & Environment's LEP Review Panel and gateway determination.
  5. Planning Proposal No 15 be publically exhibited in accordance with the gateway determination.
  6. That a report be submitted to Council on the outcomes of the public exhibition and for final consideration of Planning Proposal No. 15.
  7. If Planning Proposal No 15 is supported and finalised and the short term use of a dwelling for Tourist and Visitor Accommodation becomes a permitted use in our City, Council review this decision three years from finalisation of the Planning Proposal/LEP Amendment.
  8. Council endorse this report as its submission to the NSW Legislative Assembly Inquiry into short term holiday letting.

CARRIED UNANIMOUSLY