20 October 2017

Director, Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

SUBMISSION – SHORT TERM HOLIDAY LETTING IN NSW OPTIONS PAPER

Reference is made to the Short-term Holiday Letting in NSW Options Paper and the invitation to provide comment on the options raised.

Of the four options raised, it is considered that regulation through the planning system and amendment to Strata Laws would be the best way to facilitate the ever expanding short term holiday letting (STHL) industry while enabling local authorities and owners corporations to take action on those STHL which result in adverse amenity impacts as experienced within other parts of the country.

In order to do this it is recommended that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) be amended by adding a division which makes STHL exempt development subject to development standards which are aimed at reducing amenity impacts.

Having regard to the above, it is suggested that the following exempt development standards be incorporated into the SEPP:

Short-term holiday letting

The use of a dwelling as tourist and visitor accommodation must comply with the following:

(1) The subject dwelling must be the subject of an existing development consent and be located in a zone where dwellings are permitted with consent.

(2) The dwelling must not contain more than 4 bedrooms.

(3) A maximum of 2 adults per main bedroom or a maximum of two adults or four children in subsequent bedrooms subject to adequate fit out. Only those rooms approved as bedrooms are to be used for the purposes of this subclause.

(4) If the dwelling is located in a bushfire prone area, the development consent for the erection of the dwelling must have been granted in accordance with section 79BA of the act and a bushfire evacuation plan must be attached to the dwelling in a prominent location.

(5) All vehicles associated with the occupants of the accommodation must be located on the same lot as the dwelling.

(6) Noise emanating from the lot on which the dwelling is located must not be offensive as defined under the Protection of the Environment Operations Act 1997.

(7) There must not have been more than 2 written complaints to the Council concerning the activities taking place on the property from the occupiers of separate dwellings located within 40m of the subject dwelling within the preceding 12 months.
(8) The operator must hold a monetary bond to discourage occupants from behaving in a manner which adversely impacts the amenity of the surrounding area.

It is also suggested that strata laws be amended to give owners corporations greater power to manage STHL in their strata schemes. Strata schemes generally have residents within close proximity and shared responsibility for common property. This results in a higher potential for conflicts to arise. It is considered that giving owners corporations greater powers to manage STHL will reduce resource drain on government authorities who have to respond to amenity complaints; as it will provide an avenue for the matter to be dealt with between the owners. However, it is considered that such power should be limited to the extent that it does not enable owner’s corporations to unnecessarily prohibit STHL.

If you would like to discuss this matter further, please contact me on 65680259 or daniel.walsh@nambucca.nsw.gov.au.

Yours faithfully

Daniel Walsh
MANAGER DEVELOPMENT & ENVIRONMENT