

**Submission
No 156**

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

Organisation: Wyong Shire Council
Name: Ms Tanya O'Brien
Position: Manager Development and Rezoning
Date Received: 9/11/2015

RZ/5/2013
D12080982
2 November 2015

The Chair
Committee on Environment and Planning
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir

Inquiry into the Adequacy of the Regulation of Short-term Holiday Letting in NSW

Thank you for your invitation to lodge a submission to this Parliamentary Inquiry.

On 10 October 2014, Wyong Council introduced provisions for Short-term Holiday Lettings through an amendment to the Wyong Local Environmental Plan (WLEP) 2013. These provisions inserted a new land use definition:

“Short-term rental accommodation” means a dwelling that is commercially available for rent as short-term accommodation on a temporary basis, but does not include bed and breakfast accommodation”.

The provisions addressed the following development thresholds:

- **Exempt Development** (Schedule 2 of WLEP - no application required):
Dwellings of up to 4 bedrooms – to permit the commencement or continuation of the use of average sized dwellings (generally 2-4 bedrooms), subject to compliance with the following prescribed controls:
 1. The subject dwelling must be located in a zone where dwellings are permitted with development consent.
 2. The dwelling must not contain more than 4 bedrooms.
 3. The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.
 4. If the dwelling is located in a bush fire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.
 5. If the dwelling is part of a community or strata scheme, the development must have the prior written approval of the owners corporation for that scheme.
 6. If the dwelling is serviced by an on-site sewage management system, the number of persons occupying the dwelling must not exceed the number of persons stated as the capacity for that system.
 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.
- **Development Permissible with Consent** (Clause 7.18: development application required to be submitted and approved):
Dwellings of up to 6 bedrooms – this is to permit the commencement of the use of dwellings for “Short-term Rental Accommodation”, which either do not comply with the Exempt

Development prescriptions, or are larger than 4 bedrooms but not exceeding 6 bedrooms. The Development Assessment process enables public exhibition and merit consideration to be given to the appropriateness of the location and use of larger dwellings for "Short-term Rental Accommodation". This may include the application of suitable development consent conditions where warranted, having regard to the preservation of the amenity of the locality.

- **Prohibited Development** (Clause 7.18: permits the temporary use of dwellings containing up to 6 bedrooms):
Dwellings larger than 6 bedrooms – Council considers that the use of dwellings exceeding 6 bedrooms for "Short-term Rental Accommodation" would have a greater potential to adversely impact the amenity standards and lifestyle enjoyment of adjacent residents, and therefore does not support their use for Short-term Rental Accommodation.

Council introduced these provisions in recognition that the unregulated use of dwellings for holiday lettings has been commonplace for many years in coastal areas and has provided an affordable form of tourist and visitor accommodation, which in turn provides important economic stimulus to businesses and services in the region. Council sought to enable the continuation of the use of premises which have been operated without complaint, through the Exempt Development provisions. Notwithstanding the above, Council does understand from time to time there are occasions when conflicts arise either due to the holiday tenant or the management of the accommodation.

The potential for overcrowding, noise and anti-social behaviour emanating from the short-term rental accommodations has resulted in cause for complaints. Further, it is often evident that overcrowding can result in impacts of excess refuse, and haphazard and disruptive carparking arrangements.

Given the high turnover of patrons, consideration needs to be given to a more rapid response mechanism, including the ability to issue Penalty Infringement Notices (PINs) to address noise, overcrowding, car parking and waste control issues.

I trust these comments and issues are of value for review by the Inquiry. Should you require any further information, please phone me on [REDACTED]

Yours faithfully

[REDACTED]
Tanya O'Brien
Manager
Development and Rezoning