

**Submission  
No 148**

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

**Organisation:** Eurobodalla Shire Council  
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**Position:** Strategic Services Divisional Manager  
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Glenn Brookes MP  
Committee on Environment and Planning  
Parliament House  
Macquarie Street, Sydney NSW 2000  
[environmentplanning@parliament.nsw.gov.au](mailto:environmentplanning@parliament.nsw.gov.au)

Dear Mr Brookes

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

Eurobodalla Shire Council allows the use of private dwellings for short term holiday letting through a clause in the Eurobodalla Local Environmental Plan 2012 (LEP 2012). Clause 6.15 Short term rental accommodation allows for the temporary use of a dwelling as short-term tourist and visitor accommodation without development consent.

#### **6.15 Short-term rental accommodation**

- (1) The objective of this clause is to enable the temporary use of dwellings as short-term rental accommodation for tourists and visitors without requiring development consent.
- (2) Despite any other provision of this Plan, development consent is not required for the temporary use of a dwelling as short-term tourist and visitor accommodation (except bed and breakfast accommodation).
- (3) In this clause, ***short-term tourist and visitor accommodation*** is tourist and visitor accommodation that is used as such for a maximum period of 45 consecutive days in any 12 month period.

The measure was introduced in consideration of the South Coast Regional Strategy (SCRS) and the Eurobodalla Settlement Strategy (ESS). The strategies recognised the valuable resource that private dwellings provide to meet the demand for holiday accommodation in peak times.

#### **Amenity/Nuisance**

While not as significant issue in the Eurobodalla as is the case on the NSW north coast, unruly behaviour by visitors has the potential to negatively impact on the amenity of a residential area. Local councils and police have powers to deal with this issue such as through the noise provisions of the Protection of the Environment Operations Act 1997.

ESC also supports the Holiday Rental Industry Association's Holiday Rental Code of Conduct (see also presentation by Butterworth at [lgnsw.org.au](http://lgnsw.org.au)) to guide agents and home owners who wish to rent their properties for short term holiday letting.

### **Interaction between the Rural Fires Act and Eurobodalla LEP (2012)**

The short term rental of a private dwelling for the provision of tourist accommodation does not appear to be exempt from the requirement for a Bushfire Safety Authority under clause 100B(6)(d) of the *Rural Fires Act 1997*. This is a concern and it is requested that the inquiry consider this matter. Given development consent is not required for the temporary use of a dwelling as short-term tourist and visitor accommodation in the Eurobodalla LEP (2012), the situation arises where short-term accommodation providers do not need a development consent but need a bush fire safety authority from the NSW Rural Fire Service. Many short-term accommodation providers would not be aware of this, for example individuals who may have a house located in bush fire prone land and are renting through AirBnB. The inquiry should look at this specific issue and make recommendations.

If you require further information please contact me on [REDACTED]

Yours sincerely

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Jeff Morgan

Strategic Services Divisional Manager