

ATTACHMENT 1 – DRAFT PLANNING CONTROLS FOR SHORT TERM RENTAL ACCOMMODATION

- (1) Insert a new definition of short-term rental accommodation into the LEP 2014 dictionary as follows:

short-term rental accommodation means an existing dwelling—

- (a) *that is lawfully used by the owner, tenant or permanent resident of the dwelling (the host) to provide accommodation on a commercial basis for a temporary or short-term period, with or without the host residing on the premises during that period, and*
- (b) *that, if it were used predominantly as a place of residence, would be one of the following types of residential accommodation—*
 - (i) *an attached dwelling,*
 - (ii) *a dual occupancy,*
 - (iii) *a dwelling house,*
 - (iv) *multi dwelling housing,*
 - (v) *a residential flat building,*
 - (vi) *a rural workers' dwelling,*
 - (vii) *a secondary dwelling,*
 - (viii) *a semi-detached dwelling,*
 - (ix) *shop top housing*

non-hosted short-term rental accommodation means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation.

hosted short-term rental accommodation means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation.

- (2) Insert a new mapping overlay, known as the Short Term Rental Accommodation Map, that will identify the maximum number of days for short term rental accommodation in different locations.

The map will identify:

- *Zero (0) days for Council owned and/or managed lands and 'urban release area land' identified in a State Government and or Council strategy or planning instrument;*
 - *365 days per year in certain areas identified as suitable for tourism;*
 - *90 days per calendar year in the remaining parts of the Shire.*
- (3) Insert an enabling clause into Part 4 of LEP 2014 that will make the Short Term Rental Accommodation Map a development standard. Maximum occupancy levels for dwellings being used for short term rental accommodation will also be specified.

- (4) A new local clause under Part 6 of the LEP to set out the aims and objectives and matters to be considered when assessing a development application for short-term rental accommodation.
- (5) Insert a new clause into Schedule 2 of Byron LEP 2014 that will allow hosted and non-hosted short term rental accommodation as exempt development in the following circumstances:
- Hosted accommodation allowed 365 days per year;
 - Non-hosted accommodation limited to 90 days per year;
 - Non-hosted accommodation not permitted on bush fire prone land or flood prone land;
 - The dwelling must not be a (or be part of), a group home, a hostel, seniors housing, an eco tourist facility, tourist and visitor accommodation, a camping ground, caravan park or a moveable dwelling.
 - The dwelling must not be approved under the Affordable Rental Housing State Environmental Planning Policy 2008.
 - Occupancy limited to 2 persons per bedroom, up to a maximum of 12 persons in total, whichever is the lesser;
 - Requires property to be included on a Council register of short term rental accommodation
 - Requires compliance with fire safety standards under the BCA and EP&A regulations.
 - Requires an A3 sign to be placed at the front of the property advising the public of the landowners or property manager's details to enable complaints to be made and wording to advise that the property is registered with Byron Shire Council.
 - Minimum requirement for car parking of 1 space for a two bedroom dwelling and two carparks for a dwelling with three bedrooms or more.
 - Dwellings not connected to reticulated sewer must be serviced by an approved on-site waste water management system with a current approval to operate.