

NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



# CHAPTER G16: SHORT TERM RENTAL ACCOMMODATION

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## **1 Purpose**

The purpose of this Chapter is to outline controls and guidelines about the management of short-term rental accommodation.

## **2 Application**

This Chapter applies to all [residential accommodation](#).

## **3 Context**

Clause 7.13 of the [Shoalhaven LEP 2014](#) allows [residential accommodation](#) to be used for [tourist and visitor accommodation](#) without the development consent of [Council](#), if the use is only short-term and does not interfere generally with the amenity of the neighbourhood in any way.

In the context of this Chapter, short-term rental accommodation is where [residential accommodation](#) is used as tourist or visitor accommodation for no more than 45 consecutive days in any 12 month period. This type of accommodation is typically in the form of holiday rentals and excludes [backpackers' accommodation](#) and [bed and breakfast accommodation](#).

This Chapter outlines what you have to do as a property owner or manager to manage your short-term rental accommodation. This will ensure that your short term rental accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood.

This Chapter also sets out what [Council](#) sees as an interference of 'amenity' and how [Council](#) will respond to short-term rental accommodation that does not comply with the controls within this Chapter.

## **4 Objectives**

The objectives are to:

- i. Ensure the suitability of any residential accommodation for use as short-term rental accommodation.
- ii. Ensure that the existing amenity and privacy of a residential locality is not negatively impacted by short-term rental accommodation.
- iii. Ensure that all short-term rental accommodation provides a high standard of amenity and safety for guests.

## 5 Controls

### 5.1 General

Performance Criteria		Acceptable Solutions	
P1	To ensure suitability of the residential accommodation for short-term rental accommodation.	A1.1	The dwelling should be lawfully constructed and comply with the provisions of the Building Code of Australia.
		A1.2	The dwelling is to remain in a clean, safe and habitable state when rented.
P2	To ensure use of the accommodation is suitable in a residential neighbourhood	A2.1	Short-term rental accommodation is only to be used for holiday stays for no more than 45 consecutive days in any 12 month period.
		A2.2	Short-term rental accommodation is not to be used for weddings or other functions without development consent. See the 'Controls on weddings and other functions' in section 5.4 below.
P3	To ensure the residential accommodation provides for a reasonable number of guests and visitors.	A3.1	So that guests do not negatively impact the amenity of the residential neighbourhood, the maximum number of guests must not exceed 2 adult guests per bedroom.
		A3.2	The number of visitors should be reasonable for the residential setting. Large gatherings are considered an interference with amenity unless subject to development consent from Council.
		A3.3	Visitors are the responsibility of your guests at all time.
P4	To provide an appropriate amount of car parking.	A4.1	If no off-street parking is associated with the dwelling, a variation to the parking provision may be agreed to by Council if it can be demonstrated that there is sufficient on-street parking available.

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<b>Performance Criteria</b>		<b>Acceptable Solutions</b>	
P5	To ensure information is provided for guests.	A5.1	A copy of this Chapter should be provided and explained to guests at the time of key pick up.
		A5.2	A further copy of this Chapter (or a summary) should be posted on a noticeboard within your holiday rental.
		A5.3	<p>Guests should be informed via <a href="#">signage</a> and information located in the holiday rental that:</p> <ul style="list-style-type: none"> <li>• The holiday rental is located in a residential neighbourhood and guests and visitors need to abide by this <a href="#">DCP</a>.</li> <li>• Guests and their visitors must not create noise which is offensive to residential neighbours at any time during their occupancy, but especially between the hours of 10pm and 8am.</li> <li>• A 24 hour contact is provided and may be called if there are any issues.</li> </ul>
P6	To ensure appropriate waste management is undertaken.	A6.1	Waste generated from short-term rental accommodation should be collected by <a href="#">Council's</a> collection service or a private waste contractor. Using public bins at beaches or parks is not an acceptable solution to the management of short-term rental accommodation waste.
		A6.2	If using <a href="#">Council's</a> domestic collection service, bins should be stored on site and only placed on the kerbside for the collection day in your area. Bins should not sit on the kerbside for longer than 1 day before or after collection.
		A6.3	If using a private waste contractor, the bins should remain on site with the contractor completing the collection from the site.
P7	To avoid misleading advertising about short-term rental accommodation.	A7.1	You should not advertise your short-term rental accommodation (holiday rental) in a false or misleading manner.
		A7.2	You should not advertise for more than the maximum number of guest allowed under this Chapter.
P8	To ensure an appropriate level of safety for guests and visitors.	A8.1	A bushfire evacuation plan is required for all short-term rental accommodation in bushfire prone areas.
		A8.2	Smoke alarms must be installed and remain operational in your short-term rental accommodation.

## 5.2 Amenity

Performance Criteria		Acceptable Solutions	
P9	To preserve the established amenity levels of the surrounding area.	A9.1	The renting of your <a href="#">residential accommodation</a> for short-term rental accommodation should not interfere with the amenity of surrounding neighbours including by way of noise or traffic generation.
		A9.2	Use of potential noise source areas (e.g. decks, BBQ areas) should not impact on living or sleeping areas of neighbouring residential properties, particularly between 10pm and 8am.

**Note:** Examples of interference with amenity can include:

1. Guests and visitors making noise which is offensive to neighbours at any time during their stay but especially between the hours of 10pm and 8am. Offensive noise is noise at a level that exceeds normal household noise.
2. Exceeding the number of permissible guests.
3. An unreasonable number of visitors.
4. Any activities which may unduly impact on the health/and or safety of adjoining or nearby residences.
5. Inappropriate on street parking so as to cause traffic hazards, significant or ongoing loss of parking for adjoining or nearby residences.
6. Unmanaged waste disposal or littering of the property surrounds.
7. The use of outdoor spas, pools and BBQs between the hours of 10pm and 8am.
8. Offensive noise and/or behaviour on decks/balconies/verandas between the hours of 10pm and 8am.
9. Instances of anti-social behaviour.
10. Any issues with the response of the nominated 24 hour contact such as:
  - Failure to be able to make contact with the 24 hour contact within a reasonable timeframe (this also includes not returning calls),
  - Failure of the 24 hour contact person to act on complaints or refer to the appropriate regulatory authority where required.

## 5.3 Contact and management information

Performance Criteria		Acceptable Solutions	
P10	To ensure the availability of management contact information on a 24 hour basis.	A10.1	You should provide 24 hour contact details for a local management agent who: <ul style="list-style-type: none"> <li>• has authority from you to respond to any complaints;</li> </ul>

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Performance Criteria	Acceptable Solutions
	<ul style="list-style-type: none"> <li>• can respond to any complaints at the time of the complaint;</li> <li>• can inspect the site at the time of the complaint;</li> <li>• Is appropriately qualified/ experienced in short-term rental accommodation management.</li> </ul> <p>A10.2 Contact information may be provided in the form of contact signage or notification of neighbours (or both). See performance criteria P2 and P3 below.</p> <p>A10.3 If you have a website for your holiday rental, it should contain contact details.</p>
<p>P11 To ensure an appropriate level of contact signage.</p>	<p>A11.1 One <a href="#">business identification sign</a> may be located at the letter box. Refer to Chapter G22: Advertising Signs and Structures' of this <a href="#">DCP</a>.</p> <p>A11.2 The sign should be clear to read from the street and indicate the following:</p> <ul style="list-style-type: none"> <li>• That (<i>insert address</i>) is used for holiday rental.</li> <li>• In the event of any issues with noise, parking, amenity etc. please call the 24 hour contact on (<i>insert 24 hour contact details</i>).</li> </ul> <p>A11.3 You should keep contact signage updated with current information.</p>
<p>P12 To encourage the notification of neighbours of the use and contact information of management.</p>	<p>A12.1 You may provide adjoining land owners and your managing agent with information detailing:</p> <ul style="list-style-type: none"> <li>• That (<i>insert address</i>) is used for holiday rental and is under the management of (<i>insert Real Estate/other contact</i>).</li> <li>• In the event of any issues with noise, parking, amenity etc. please call the 24 hour contact on (<i>insert 24 hour contact details</i>).</li> </ul> <p>A12.2 When changes are made to contact details, you must advise adjoining land owners and your managing agent</p>
<p>P13 To ensure an appropriate management response to the making of complaints.</p>	<p>A13.1 You or your 24 hour contact person should notify <a href="#">Council</a> in writing of all complaints within 48 hours of when the complaint was made. <a href="#">Council</a> will require the date, time and type of complaint as well as the actions taken.</p>

## 5.4 Weddings and other functions

You or your guests must not use your short-term rental accommodation for regular weddings or other functions without development consent from **Council**. **Council** may consider an application for a temporary use of land for a maximum period of 52 days in a 12 month period. Refer to Clause 2.8 of the **Shoalhaven LEP 2014**.

**Note:** If you hold a private function that requires a tent of marquee, it should comply with Division 3 of the Codes SEPP.

## 6 Advisory Information

### 6.1 What happens if you breach this Chapter

If you or your guests do not comply with this Chapter and your short-term rental accommodation is interfering with the amenity of the neighbourhood in any way, then you will be required to obtain development consent from **Council** in accordance with clause 7.13 of the **Shoalhaven LEP 2014**.

**Council** may also take enforcement action against you including issuing a penalty infringement notice under the relevant legislation or for ongoing breaches, legal proceedings may be commenced. You may also be required to install mandatory signage at the property.

### 6.2 Other legislation or policies you may need to check

**Note:** This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

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<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"><li>• Advisory Guidelines - Short Term Holiday Rental in Residential Areas</li></ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"><li>• Holiday Rental Code of Conduct – best practice guidelines for the operation of holiday rentals prepared by the tourism accommodation industry. <b>Council</b> supports the adoption and implementation of these guidelines by owners and managing agents of short-term rental accommodation.</li></ul>
<b>Legislation</b>	<ul style="list-style-type: none"><li>• <i>Work Health and Safety Act 2011</i> and associated regulations</li></ul>

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