



The Hon. Anthony Roberts MP
Minister for Planning
Minister for Homes

Our Ref: IRF22/4173

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2481

Via email: council@byron.nsw.gov.au
shannon.burt@byron.nsw.gov.au

Dear Mr Arnold

I am writing to you about planning proposal, PP-2021-3351, to reduce the number of days of non-hosted short-term rental accommodation (STRA) in parts of the Byron Shire local government area (LGA).

Given the large number of submissions related to the proposal and the potentially significant economic impacts it could have on local businesses, I have made the decision to seek advice from the Independent Planning Commission (IPC) before the planning proposal is finalised. I have also removed Council's delegation to be responsible for finalising the planning proposal, so that the IPC's advice can be carefully considered before the proposal progresses further.

I have not made this decision lightly. While I recognise Council has a larger proportion of non-hosted short-term rental in its LGA compared to the rest of the State, the importance of tourism to the area and the significant impact the proposal may have on businesses cannot be understated.

I intend to seek advice from the IPC on:

- the status of housing and rental affordability and rental availability in the Byron Shire, including the impact of non-hosted STRA and well as recent flood events
- recommendations to improve housing affordability and rental availability in the Byron Shire
- the economic contribution of the STRA industry in Byron Shire, and any potential economic implications for Byron Shire with the introduction of Council's proposed 90 and 365-day dwelling caps
- whether it recommends I should finalise the planning proposal, with or without amendments, or whether any further information may be required.

I have requested the IPC to consider holding a public hearing given the public interest in the planning proposal. The public hearing would allow the community and industry to present their views on the proposal as part of the IPC's review. I have also strongly encouraged the IPC to meet with Council.

To assist the IPC with its consideration and advice, I request that Council provides all studies, submissions, engagement reports and any other information in its possession relating to the proposal to both the Department and IPC as soon as possible.

I acknowledge this late change of approach will disappoint Council. However, given the complex and contentious nature of STRA in the Byron Shire, it is important that I obtain independent advice



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from the IPC on the broader issues associated with housing and rental affordability and availability in Byron Shire and potential economic impacts of Council's proposal before the matter progresses.

If you have any questions in relation to this matter, you can contact Mr Malcolm McDonald, Executive Director, Local and Regional Planning, at the Department to assist you. Mr McDonald can be contacted on 02 9274 6267.

Yours sincerely

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Encl: Alteration of Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2021-3351)

I, the Minister for Planning have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 24 June 2021 (since altered) for the proposed amendment to the Byron Shire Local Environmental Plan 2014 as follows:

1. Delete condition 7 as follows:

- "7. The Council as the planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified;
 - (c) there are no outstanding written objections from public authorities; and
 - (d) that the proposal is not at any time amended to reduce non-hosted short-term rental accommodation periods on any land to less than 90 days."

Dated

13th

day of

December

2022.



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