



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

Our ref: IRF 22/11482

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
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Via email: council@byron.nsw.gov.au
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Dear Mr Arnold

I refer to Byron Shire Council's (Council) correspondence seeking a revision to the conditions of the Gateway determination for 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).

I also acknowledge receipt of correspondence from Mr Michael Lyon, Council's Mayor, in support of Council's planning proposal to reduce non-hosted STRA to 90 days in the majority of the LGA, and 365 days in small, mapped precincts.

I note that the Gateway determination issued by the Department of Planning and Environment (the Department) on 24 June 2021 required the planning proposal be updated in accordance with the findings of an Economic Impact Assessment (EIA).

I am advised that an EIA has now been prepared by Urbis, and jointly funded by Council and the Department. As you are aware, the EIA recommended a cap of 180 days be placed on non-hosted STRA across the Byron LGA. It was found to be the preferred of 6 tested options, as it would generate the highest net benefit to the community and local industry. The EIA also identified that if a 90 day cap was implemented, significant benefit for the community and local industry could be achieved by expanding the proposed 365 day unrestricted areas.

Given the unique and exceptional circumstances facing Byron Shire regarding the impact of recent flooding on the availability and affordability of housing, combined with the existing high proportion of short term rental accommodation compared to permanent accommodation in the Shire, I have, however, determined it is in the public interest for this proposal to proceed to exhibition without incorporating the findings of the EIA to allow community consultation.

The proposal and the EIA must be on exhibition for a minimum of 56 days to allow the community an opportunity to fully consider the proposal. I have also amended the Gateway determination to require that a 12-month transition period of any changes is implemented to provide greater certainty for the industry and customers.

Please be advised that I remain concerned regarding the potential impact of this proposal on the local economy due to the findings of the EIA. For this reason, I have conditioned the Gateway so that Council delegation to make the plan can only be used provided 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.

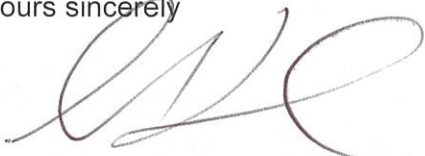
I would also encourage Council to consider amending the proposal to expand the areas where non-hosted short-term rental accommodation can occur unrestricted 365 days per year, as discussed in the EIA, to limit any adverse economic impacts.

To allow this to occur, I have given Council an extension until 24 June 2023 to finalise the proposal. I expect Council to thoroughly consider all submissions and impacts of its proposal raised in those submissions and respond accordingly, and to publish justification of its final decision, whether or not to make the changes to the Local Environment Plan, before proceeding to make the plan.

I have also provided Council with delegation to act as the Local Plan Making Authority subject to the proposal not being amended at any time to reduce non-hosted short-term rental accommodation periods on any land to less than 90 days. Prior to proceeding to exhibition, I expect Council to consult with the Australian Short Term Rental Association (ASTRA) about the planning proposal.

If you have any questions in relation to this matter, I have arranged for Mr Malcolm McDonald, Executive Director of 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