



Mr K Gainger
General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Our ref: PP_2015_BYRON_003_00 (15/11543)

Dear Mr Gainger

Planning Proposal PP_2015_BYRON_003_00 – Alteration of Gateway Determination

I refer to your correspondence of 5 December 2016 in relation to revisions to Planning Proposal PP_2015_BYRON_003_00 for the introduction of short term rental accommodation provisions into Byron LEP 2014.

I have reviewed the amended planning proposal and note the removal of the exempt development provisions for short term rental accommodation.

On 19 October 2016 the Legislative Assembly Committee on Environment and Planning (the 'Committee') released its report on the adequacy of the regulation of short-term holiday letting in NSW. This report included recommendations that some forms of short-term holiday letting be enabled as exempt development. The NSW Government is currently considering its response to the Committee's recommendations.

As Council's revised planning proposal is not consistent with the recommendations of the Committee, and pending the Government's response to the report, I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* (the 'Act') not to alter the Gateway determination dated 31 August 2015 for PP_2015_BYRON_003_00 (as altered).

Council can still proceed with the original proposal. Should Council not wish to proceed with the original proposal at this time, it can take this opportunity to review the proposed exempt provisions and await the Government's response to the Committee's recommendations to ensure consistency. To facilitate this, I have determined as the delegate of the Minister, in accordance with section 56(7) of the Act, to alter the Gateway determination dated 31 August 2015 for PP_2015_BYRON_003_00, to extend the time frame for completion of the proposal. The Alteration of Gateway Determination is enclosed.

As the Committee has recommended the State Government should introduce provisions for the regulation of short-term holiday letting into the NSW planning system, it is appropriate that the current planning proposal is consistent with a State wide approach.

Consequently I have also determined to revoke the written authorisation of delegation to Council dated 2 October 2015, allowing Council to exercise the functions of the Minister for Planning under section 59 of the Act in relation to planning proposal PP_2015_BYRON_003_00. This has the effect that any decision by Council to proceed or not proceed with the matter will need to be referred to the Department for finalisation.

If you have any questions in relation to this matter, I have arranged for Mr Craig Diss, Acting Director Regions, Northern to assist you. Mr Diss can be contacted on (02) 6641 6600.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a horizontal line extending from the end of the signature.

Marcus Ray
Deputy Secretary
Planning Services

06/04/2017

Encl:
Alteration to Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_BYRON_003_00)

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 31 August 2015 for the proposed amendment to the Byron Local Environmental Plan 2014 as follows:

1. Delete condition 5 and insert:
 5. The LEP is to be completed by 7 December 2017.

Dated 6th day of February 2017

**Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning