



9 March 2020

Department of Planning, Industry & Environment  
Locked Bag 9022  
GRAFTON NSW 2460  
By Email: [northcoast@planning.nsw.gov.au](mailto:northcoast@planning.nsw.gov.au)

Dear Sir/Madam

### **Planning Proposal for Short-term Rental Accommodation**

Council at its Planning Meeting of 20 February 2020 considered a report on a planning proposal to introduce new provisions for short-term rental accommodation into Byron Local Environmental Plan 2014. The Planning Proposal was prepared in response to Ministerial Planning Direction 3.7 – reduction in non-hosted short-term rental accommodation period.

Council resolved to forward the Planning Proposal to the Department of Planning, Industry and Environment for a gateway determination, subject to certain amendments, as follows:

*20-021 Resolved:*

1. *That Council forward the Planning Proposal (Attachment 1 #E2020/9498) to NSW Department of Planning for a Gateway determination after making the following adjustments:*
  - a) *replace the words "on the premises" with "in the dwelling" wherever they occur.*
  - b) *change the words in the first paragraph of 3.1.6 from:*  
*"Adequate monitoring and enforcement of the planning controls will be extremely difficult without a STRA register to provide information to Council about which properties are used for STRA and the number of days that properties are let."*  
*to:*  
*"Adequate monitoring and enforcement of the planning controls will be impossible without a locally-operated STRA register to provide information to Council about which properties are used for STRA and the number of days that properties are let".*
  - c) *add a section/table in Appendix 1, 2.4 which shows the percentage that listings in each suburb/area are of total dwellings in that area, and where relevant elsewhere in the document, to justify the 90-days being implemented shire-wide.*



- d) *include a mention of our rental vacancy rate at a relevant point in the document to further justify the need for these measures in Byron Shire.*
  - e) *indicate that effective compliance will require as part of the registration process, the 90-days the short-term rental accommodation will be available to be specified in advance, or at least a portion thereof up to the maximum of 90 days and reflect this in the Planning Proposal.*
- 2. *That, following the issue of a Gateway determination, the Planning Proposal be publicly exhibited in accordance with the requirements of it and the Byron Shire Community Participation Plan.*
  - 3. *That following public exhibition, a further report is put to Council on the results of the public exhibition and next steps for the finalisation of the Planning Proposal.*

In accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. Given the likely forthcoming release of the Government's state-wide planning framework for short-term rental accommodation, Council considers it appropriate that the Department of Planning, Industry and Environment retain authority to make the LEP amendment.

As the planning proposal is not considered to be 'low impact' as outlined in the Department's, *A guide to preparing local environmental plans*, a 28 day public exhibition period is recommended.

Should you have any enquiries please contact me by phone (02) 6626 7066 or email [ben.grant@byron.nsw.gov.au](mailto:ben.grant@byron.nsw.gov.au).

Yours sincerely



Ben Grant  
Planner

Enc. Planning Proposal 26.2020.1.1 - # E2020/15204  
Council Minutes 20/02/2020