

Tweed LEP 2014 - Short-Term Rental Accommodation

Proposal Title : **Tweed LEP 2014 - Short-Term Rental Accommodation**

Proposal Summary : **The proposal seeks to introduce provisions into the Tweed Local Environmental Plan 2014 to manage short-term rental accommodation within dwellings throughout the Tweed Shire.**

The proposal requires amendments to the written instrument by including new provisions that define short-term rental accommodation, require development consent for short-term rental accommodation and schedule certain forms of short-term rental accommodation as exempt development.

PP Number : **PP_2015_TWEED_006_00** Dop File No : **15/13957**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 1.2 Rural Zones**
 - 1.5 Rural Lands**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 3.5 Development Near Licensed Aerodromes**
 - 4.3 Flood Prone Land**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan 2014 to define short-term rental accommodation, require development consent for short-term rental accommodation and schedule certain forms of short-term rental accommodation as exempt development should proceed subject to the following conditions:**

- 1. The planning proposal is required to be updated prior to community consultation. This is to include:**
 - updating Part 2 – Explanation of Provisions, to include a plain English description of the proposed LEP provisions and reasoning behind each proposed criterion.
 - updating Part 5 – Timeline, to remove references to an ‘updated hydraulic study’ and update the proposed monthly timeframes to corresponded with the nominated ‘9 months to finish the plan’.
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning proposals and the specifications for material that must be made publicly available along with Planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
- 3. Consultation is required with the following public authorities under section 56(2)(d) of**

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the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- (a) NSW Rural Fire Service
- (b) Destination NSW

4. Consultation is required with the following agencies:

- (a) Holiday Rental Industry Association
- (b) Destination Tweed
- (c) North Coast Destination Network
- (d) Tweed Heads Chamber of Commerce and Industry

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. Section 117 Directions - It is recommended that:

(a) inconsistency with Direction 3.1 Residential Accommodation is justified as of minor significance.

(b) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection with the NSW Rural Fire Service

6. Plan making functions should not be delegated to Council, given that Council has not requested nor accepted plan making functions.

Supporting Reasons :

The reasons for the above recommendations for the planning proposal are as follows:

- 1. The proposal is consistent with other LEPs throughout NSW.
- 2. The proposal will facilitate new tourist development opportunities on suitable land.
- 3. The proposed conditions will provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

This planning proposal is considered consistent with other proposals that have been issued Gateway determination throughout NSW, including the proposed short-term rental accommodation provisions for the adjoining LGA, Byron. Given this consistency, the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 01-Oct-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway

Determination :

1. Prior to the commencement of public exhibition, Council is to:

- (a) amend Part 2 (Explanation of Provisions) of the planning proposal to a plain English description of the proposed LEP provisions and reasoning behind each proposed criterion;
- (b) amend Part 5 (Timeline) of the planning proposal to remove references to an 'updated hydraulic study' and update the proposed monthly timeframes to correspond with the nominated "9 months to finish the plan".

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

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3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Destination NSW
- NSW Rural Fire Service

Consultation is also required with the following agencies:

- Holiday Rental Industry Association
- Destination Tweed
- North Coast Destination Network
- Tweed Heads Chamber of Commerce and Industry Inc.

Each public authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____



Printed Name: _____

Craig Duss

Date: _____

1 October 2015

