



Mr Brian Bell  
General Manager  
Lake Macquarie City Council  
Box 1906  
HUNTER REGION MAIL CENTRE NSW 2310

Our ref: PP\_2014\_004\_00 (14/20176)  
Your ref:

Att: Hannah Benson

Dear Mr Bell,

### **Planning Proposal to amend Lake Macquarie Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 3 December 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to introduce provisions for the management of short term rental accommodation.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The intent of the planning proposal is supported, however there are concerns that the explanation of provisions contains requirements that may be difficult to enforce and implement. In particular, the proposed provisions that require the owner to be a member of an organisation that has endorsed and implements the 'Holiday Rental Code of Conduct' (the Code) may result in issues, including:

- Any changes to the title of the Code would effectively mean all holiday rentals would become prohibited until the Lake Macquarie LEP is amended to reflect the new Code title;
- Organisations may stop endorsing or implementing the code without Council's awareness;
- Organisations may apply different levels of enforcement for non-compliance of the Code; and
- Certain organisations that endorse the Code will be favoured even though other organisations or individual rentals may have equivalent or higher standards.

In light of these concerns, Council should consider the implementation and enforcement of requirements relating to the Code, and provide additional explanation on these matters within the planning proposal prior to exhibition.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

17 December 2014

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**

## Gateway Determination

*Planning Proposal (Department Ref: PP\_2014\_004\_00): to introduce provisions for the management of short term rental accommodation.*

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to introduce provisions for the management of short term rental accommodation should proceed subject to the following conditions:

1. Prior to undertaking community consultation Council is to update the planning proposal to provide additional explanation regarding the implementation and enforcement of the "Holiday Rental Code of Conduct" requirements.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 ( Planning & Infrastructure 2013)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 EP&A 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 **6 months** from the week following the date of the Gateway determination.

Dated 17<sup>th</sup> day of December 2014.



**David Rowland**  
General Manager  
Hunter and Central Coast Region  
Planning Services  
Department of Planning and Environment

**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Lake Macquarie City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_004_00	Planning proposal to introduce provisions for the management of short term rental accommodation.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17<sup>th</sup> December 2014

A handwritten signature in black ink, appearing to read 'David Rowland'.

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and Environment**