

Gateway Determination

Planning proposal (Department Ref: PP-2021-3355): to reduce the number of days of non-hosted short-term rental accommodation in parts of the Byron Shire Local Government Area.

I, the Group Deputy Secretary, Planning and Assessment at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to State Environmental Planning Policy (Affordable Rental Housing) 2009 to reduce the number of days of non-hosted short-term rental accommodation in parts of the Byron Shire Local Government Area should proceed subject to the following conditions:

1. Prior to agency and community consultation, Council is to:
 - (a) prepare an Economic Impact Assessment;
 - (b) update the planning proposal to:
 - remove the proposed amendments discussed in sections 2.1 to 2.7 (inclusive);
 - identify that the proposal comprises a single amendment which is to State Environmental Planning Policy (Affordable Rental Housing) 2009;
 - reflect the recommendations of the Economic Impact Assessment;
 - include a matrix framework which summarises the key potential risks of maintaining the base case versus cap determined by the economic impact assessment for the following market segments:
 - Byron Region tourism industry (including hospitality; hotels, motels and serviced accommodation);
 - local property industry (private, residential and commercial);
 - local renters;
 - local homeowners;
 - local workers;
 - local business owners; and
 - NSW State economy.
- include a Risk Mitigation and Monitoring Strategy aimed at minimising the potential risks associated with reducing the short term rental accommodation day limit cap on the following key following key groups:
 - Byron Region tourism industry (including hospitality; hotels, motels and serviced accommodation);
 - local property industry (private, residential and commercial);

- local renters;
 - local homeowners;
 - local workers; and
 - local business owners
- (c) submit the updated planning proposal for the Department's review and approval.
2. The Economic Impact Assessment must be exhibited with the planning proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant sections 9.1 Directions:
- NSW Rural Fire Service
 - NSW Fair Trading
- Each public authority/organisation 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.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination

Dated 24th of June, 2021.



Marcus Ray
Group Deputy Secretary
Planning and Assessment
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces