



Mr Mark Arnold  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

via email: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
[ben.grant@byron.nsw.gov.au](mailto:ben.grant@byron.nsw.gov.au)

Dear Mr Arnold

**Planning proposal PP-2021-3355**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reduce the number of days of non-hosted short-term rental accommodation in parts of the Byron Shire Local Government Area.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 2.1 Environment Protection Zones, 2.2 Coastal Management, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 3.7 Reduction in non-hosted short-term rental accommodation period, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans. Council should ensure this occurs prior to public exhibition.

I have determined not to condition the Gateway for Council to be the local plan-making authority as the planning proposal has the potential to be contentious across various sectors of the community, and it involves changes to a State Environmental Planning Policy.

The amendment is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning,

Industry and Environment to draft and finalise the State Environmental Planning Policy should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete amendments to environmental planning instruments 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Gina Davis to assist you. Ms Davis can be contacted on 5778 1487.

Yours sincerely



24/06/2021

**Marcus Ray**  
**Group Deputy Secretary**  
**Planning and Assessment**

Encl: Gateway determination