

## Alteration of Gateway Determination

### *Planning proposal (Department Ref:PP-2021-3351)*

I, the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 24 June 2021 as follows:

1. Change the description of the planning proposal

From "...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..."

To "...an amendment to State Environmental Planning Policy (Housing) 2021 to reduce the number of days of non-hosted short-term rental accommodation in parts of the Byron Shire Local Government Area..."

2. Delete Condition 1:

"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."

and replace with a new Condition 1:

"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 (Housing) 2021;
  - incorporate a 12-month deferred commencement for any changes to provide an appropriate level of certainty and transition for industry and the community;
  - 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”

3. Delete Condition 3:

“3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to 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).”

and replace with a new Condition 3:

“3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **56 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. Delete condition 6:

“6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.”

and replace with a new Condition 6:

“6. The LEP should be completed on or before 24 June 2023.”

5. Insert new condition 7:

“7. The Council as the planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified;
- (c) there are no outstanding written objections from public authorities; and

- (d) that the proposal is not at any time amended to reduce non-hosted short-term rental accommodation periods on any land to less than 90 days.

Dated 3<sup>rd</sup> day of June 2022.



**The Hon. Anthony Roberts MP  
Minister for Planning  
Minister for Homes**