



15 February 2023

Mr Jeremy Gray  
Director Northern Region  
NSW Department of Planning and Environment

via email: [REDACTED]

Dear Mr Gray,

**Byron Shire Short Term Rental Accommodation Planning Proposal (PP-2021-3351)  
Questions on Notice and Request for Clarification**

I refer to the above planning proposal (PP-2021-3351), currently before the Independent Planning Commission (**Commission**) for advice.

Following the questions posed by the Commission to the Department of Planning and Environment (**Department**) and Urbis during their meeting with the Commission on 10 February 2023, the Commission would be assisted by the Department providing a written response to the following question taken on notice:

1. To what extent is Byron Shire on track in terms of its housing supply in relation to the North Coast Regional Plan 2041 20-year framework and projected dwelling need?
2. The Regional Housing Taskforce's 2021 Recommendations Report provides a number of recommendations and targeted interventions to improve housing across the State – what is the implementation status of these, with particular reference to the context of regional NSW and Byron Shire?

In addition, the Panel is seeking information from the Department and Urbis on the following matters:

Policy framework

- a) In regard to the NSW Government's short-term rental accommodation (**STRA**) register:
  - What type of information is collected as part of the registration scheme?
  - How are day limits monitored?
  - Is there an exclusion register?
  - How is the system being enforced?

Regional Housing Taskforce

- b) How unique is the Byron Shire case study compared to other regions in NSW – are similar issues being experienced elsewhere in relation to housing availability and affordability?

### Planning Proposal design

- c) Does the Department anticipate that the application of short-term rental accommodation (**STRA**) caps will assist in addressing long-term housing availability issues in the Byron Shire – to what extent? Are there any precedents or evidence?
- d) The Panel understands that Byron Shire Council (**Council**) was not supportive of adopting a precinct model, instead preferencing a simpler model of a general 90-day cap across the Shire – there is reference in Council's Agenda Ordinary Meeting 15 December 2022 that the Department rejected that proposition and thus Council has defaulted to a precinct approach – are you able to comment?

### Data validity in relation to the Planning Proposal

- e) There have been issues raised by key stakeholders in relation to the validity of the data obtained, particularly in relation to the proportion of non-hosted STRA in Byron Shire and differences between the Department's figures and estimates in Council's planning proposal (and the Economic Impact Assessment prepared by Urbis) - can the Department explain the differences between these figures?

### Economic Impact Assessment

- f) How has the non-hosted percentage of STRA in Byron Shire been calculated in the Economic Impact Assessment (**EIA**)?
- g) In the EIA, data suggests that 62% of STRA properties are available for greater than 180 days, however 61% are occupied for less than 90 days – given this, is the introduction of a 90-day cap likely to make any significant difference?

The Commission would be happy to take responses to these questions either in writing or as part of the Department's presentation at the public hearing on **21 February 2023**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Mr Oliver Cope, [REDACTED] or [REDACTED].

Yours sincerely,



Planning Director