



NSW Independent Planning Commission

*Byron Shire "Short Term Rental Accommodation"
Planning Proposal (PP-2021-3351)*

Shelter NSW submission (post-Hearing)

8 March 2023



About Shelter NSW

Shelter NSW has been operating since 1975 as the State’s peak housing policy and advocacy body. Our vision is to create a sustainable housing system that provides secure homes for all. We pursue our vision through critical engagement with policy, practice, and thought leadership. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality.

We are especially concerned for low-income households which struggle to afford good-quality and well-located housing in the private market. Our approach involves engaging, collaborating, and connecting with government, the private and not-for-profit sectors, stakeholders, and everyday citizens.

We consider a sustainable housing system one that delivers what we call Triple-A housing and Triple-P outcomes.

Affordable and diverse homes	Accessible and well-located housing	Appropriate and high-quality development
Housing supply and demand	Proximity to jobs and services	Amenity and aesthetics
Tenure forms and rights	Access to public transport	Energy and environment
Housing types and sizes	Accessibility and adaptability	Standards and maintenance
Productive cities and regions	Poverty-free communities	Protected neighbourhoods
Access to jobs and services	Housing stress and homelessness	Energy use and consumption
Housing costs and consumption	Physical and mental health	Urban heat
Financial and economic stability	Education access and attainment	Climate resilience and adaptation

At Shelter NSW, we believe that all people deserve to live in housing that delivers these priorities and objectives. We maintain that the housing system should deliver safe, secure, and affordable living outcomes for all, regardless of tenure type.

About our submission

Shelter NSW thanks the Independent Planning Commission (IPC) for the opportunity to comment on Byron Shire Council's Planning Proposal to lower the "short term rental accommodation" ('STRA') non-hosted exempt cap from the State-default 180 days to 90 days per year in some parts of the Shire.

Shelter NSW has engaged with the IPC in a pre-Hearing briefing on 17 February (30 minutes) and has presented at the Public Hearing on 21 February (5 minutes). This supplementary, post-Hearing submission seeks to clarify, reiterate, and expand upon our commentary to the IPC.

The IPC indicated an interest in being made aware of Shelter NSW latest "[Regional Housing Need Report](#)", launched 24 February. Shelter NSW also made a commitment to provide IPC with a copy of questions we have asked of the Department of Planning & Environment about the Gateway Determination process for the Planning Proposal. Both matters are addressed in our submission.

Shelter NSW has made the decision not to refer to "short term rental accommodation" or STRA where possible throughout this submission; rather we use language such as "non-hosted holiday accommodation" or "whole-home holiday accommodation". This is a small way for us to acknowledge that for the most part in the Byron Shire, we are dealing with the issue of conversions of dwellings to the holiday listing market. Classifying this use benignly as a form of housing diversity under the Housing SEPP as "short term rental accommodation" does not do justice to the many local residents and actual renters in the region who are struggling with chronically low rental vacancy rates and facing no-grounds evictions in their lease agreements to make way for conversions of homes to the whole-home holiday market.

We trust this submission will assist the IPC in making a recommendation to the Minister for Planning, Homes on not only the Planning Proposal at hand, but the broader policy underpinnings of non-hosted holiday accommodation in NSW. Further, we implore the IPC to pass on our calls for significantly more social housing construction and acquisition in the North Coast region to the Department of Communities & Justice ('DCJ'), Aboriginal Housing Office ('AHO'), and the Land and Housing Corporation ('LAHC'). As ever, Shelter NSW welcomes any discussions with the IPC and these other parties to further the cause of delivering real housing justice for the many regional households in precarious housing situations.

Sincerely,

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Table of Contents

Context: Byron Shire as an LGA of highest housing need	4
Table 1. Growth of whole-home Airbnbs in North Coast locations	5
Table 2. Rental vacancy rates, Rental Bond lodgements, pandemic restrictions on travel	5
Table 3. Social housing stock real decline for North Coast LGAs.....	6
The rise of Airbnb and peer-to-peer accommodation	7
International and Australian case studies	9
“STRA” day-caps versus planning permits	10
NSW Planning System	11
The “STRA” Register	12
Byron Shire Council’s Planning Proposal	14
Table 4. Night occupancy data for existing whole-home accommodation on Airbnb.....	15
Social and Affordable Housing	16
Questions to the Department of Planning & Environment	19
Recommendations relating to “STRA”	21
Recommendations relating to procedural and other planning/housing matters	22
Appendix A – DPE population and implied dwelling demand projections to 2041	24

Context: Byron Shire as an LGA of highest housing need

At the population level, regional and rural communities are often home to an ageing demographic which increasingly wants to age-in-place (this is considered best practice and reflected in the Aged Care Royal Commission's recommendation to increase in-home aged care by 80,000 new packages into 2022)¹. Downsizers, ex-farmers, and older people in general will need housing that is easy to maintain, affordable, and well-located with respect to key health and social services. Byron is no different in this respect; it is anticipated that population growth will be highest in the 75+ year age group in the coming years².

Single-parent families and households in mortgage or rental stress are overrepresented in the Byron Shire LGA, compared to the rest of the State³. In fact, nearly 90% of low-income households are experiencing rental stress in the LGA⁴. We have heard several anecdotes from desperate renters up and down the coast about not being able to compete with other tenants in rent-bidding and offers to pay 6 months of rent upfront – practices which are not illegal. The private rental market routinely discriminates against First Nations applicants, and this is particularly the case when rental vacancy rates are at all-time lows as currently being experienced in regional NSW.

Migration trends during the COVID-19 pandemic and the ability for Sydney-employed professionals to work remotely contribute to a deepening regional housing crisis for NSW⁵. Locals with lower incomes relative to Sydney-natives have seen rental asking prices skyrocket 20% or more, year on year⁶, and rental vacancy rates drop below 1% for extended periods of time⁷. Median house prices in Byron outstrip those of Sydney⁸.

In addition to COVID-induced migration trends outlined above, there has been the domestic tourism boom. The lure of higher-profits per week in converting a dwelling to non-hosted

¹ Royal Commission into Aged Care Quality and Safety. (26 February 2021). *Final Report - Recommendation 39*. Retrieved from https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-1_0.pdf

² Shelter NSW in partnership with Regional Australia Institute. (February 2023, p. 14). *New South Wales Regional Housing Need Report*. Retrieved from https://sheltersnsw.org.au/wp-content/uploads/2023/02/230223_Shelter-NSW-Regional-Housing-Need-Index_FINAL.pdf

³ Ibid.

⁴ Ibid.

⁵ Pawson, H., Martin, C., Thompson, S., & Aminpour, F. (2021, p. 45). *COVID-19: Rental housing and homelessness policy impacts*. ACROSS/UNSW Poverty and Inequality Partnership Report No. 12. Retrieved from https://sheltersnsw.org.au/wp-content/uploads/2021/11/Covid-19_rental-housing-and-homelessness-impacts-in-Australia-24-Nov.pdf

⁶ Burke, K in Domain AU. (14 October 2022). *The NSW tree-change towns where rents have soared*. Retrieved from <https://www.domain.com.au/news/the-nsw-tree-change-towns-where-rents-have-soared-1174917/>; DCJ rent and sales quarterly reports (<https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard>)

⁷ SQM Research. (n.d.). *Residential vacancy rates by postcode*. Retrieved from https://sqmresearch.com.au/graph_vacancy.php

⁸ Cornish, R in ABC News. (27 January 2022). *Sydney's median house price now just over \$1.6m, but massive growth expected to slow*. Retrieved from <https://www.abc.net.au/news/2022-01-27/sydney-median-house-price-increases-but-growth-expected-to-slow/100785706>

accommodation through easy-to-use platforms such as Airbnb has gone basically unchecked (refer Table 1 below):

Table 1. Growth of whole-home Airbnbs in North Coast locations

LGA (2016)	Number of whole-house accomm listed on Airbnb – Nov 2018 ⁹	Number of whole-house accomm listed on Airbnb – Nov 2022 ¹⁰
Byron	2294	2584
Ballina	448	691
Tweed	967	1420
Clarence Valley	371	749

Whilst more than 2000 whole-home property investor Airbnbs sit idle in the LGA, locals sleep in tents in bush reserves¹¹. This has been the case for some years now in Byron, but a clear relationship between rental vacancy rates and COVID restrictions on tourism and travel demonstrate the extent to which homes have been leaching out from the long-term rental market (and the exceptional circumstances under which they will return):

Table 2. Rental vacancy rates, Rental Bond lodgements, pandemic restrictions on travel

Location (postcode)	Month year	Residential rental vacancy rates ¹²	Month year	Annual change (%) in new Rental Bond lodgements ¹³
Byron 2481	April 2019	4.5	March 2019	-16.46
	January 2020	2.2	March 2020	18.22
	April 2020	7.5		
	January 2021	0.9	March 2021	-5.35
Ballina 2478	April 2019	0.8	March 2019	0.57
	January 2020	1.5	March 2020	10.51
	April 2020	2.4		
	January 2021	0.2	March 2021	-19.79
Tweed 2485	April 2019	0.7	March 2019	2.17
	January 2020	0.6	March 2020	7.19
	April 2020	1.6		
	January 2021	0.3	March 2021	-12.65
Grafton 2460	April 2019	1.4	March 2019	-13.63
	January 2020	2.0	March 2020	15.77
	April 2020	2.4		
	January 2021	1.0	March 2021	-9.49

Meanwhile, the proportion of dwellings as social housing stock in Byron is approximately 1.8 percent, well below the average in comparison to other LGAs¹⁴. Existing social housing stock for

⁹ Cox, M. (2021). *Inside Airbnb*. Retrieved from <http://insideairbnb.com/get-the-data.html> [spreadsheet avail on request]

¹⁰ Cox, M. (2022). *Inside Airbnb*. Retrieved from <http://insideairbnb.com/get-the-data.html> [spreadsheet avail on request]

¹¹ Ross, H. in ABC North Coast News. (30 October 2019). *Byron Bay's illegal campers draw the ire of native title holders, authorities*. Retrieved from <https://www.abc.net.au/news/2019-10-30/byron-bay-homeless-going-bush-to-find-a-better-life/11650904>

¹² SQM Research. (n.d.). *Residential vacancy rates by postcode*. Retrieved from https://sqmresearch.com.au/graph_vacancy.php

¹³ NSW DCJ. (n.d.). *Previous rent and sales reports*. Retrieved from https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/back-issues?result_536530_result_page=3

¹⁴ Shelter NSW in partnership with Regional Australia Institute. (February 2023, p. 14). *New South Wales Regional Housing Need Report*. Retrieved from Shelter NSW in partnership with Regional Australia Institute. (November 2021, pp. 13, 14, 26). *New South Wales Regional Housing Need Report*. Retrieved from https://shelternsw.org.au/wp-content/uploads/2023/02/230223_Shelter-NSW-Regional-Housing-Need-Index_FINAL.pdf

the North Coast region is approximately 5,900 properties¹⁵. There are more than 700 applicants on the social housing waitlist associated with the Byron Shire DCJ allocation zones, waiting in excess of 5 years for all dwelling types¹⁶. Further, Byron Shire and surrounds have registered a real decline in social housing stock numbers between 2011 and 2020¹⁷ (refer to Table 3 below):

Table 3. Social housing stock real decline for North Coast LGAs

LGA	Total no. of social housing properties (whether managed by DCJ or other, excluding AHO) 2011-12 FY	Total no. of social housing properties (whether managed by DCJ or other, excluding AHO) 2019-20 FY	% change in social housing stock
Byron	264	248	-6.1
Ballina	658	630	-4.3
Tweed	1106	1091	-1.4
Clarence Valley	462	445	-3.7

North Coast communities are still recovering from the devastating effects of various flood events in 2022. Lismore locals are waiting for buyback offers for severely flood affected properties; people are “camping” with BBQs and tents inside wall-less homes¹⁸. Insurance challenges, supply-chain and workforce issues have further delayed rebuild efforts for hundreds of homes and many communities¹⁹.

Shelter NSW contributed to UNSW City Futures Research into “The impact of housing vulnerability on climate disaster recovery for the Northern Rivers 2022 flood events”²⁰. This piece of research highlights how chronically housing stressed the North Coast region was prior to the 2022 flood events – due in large part to whole-home holiday accommodation conversions reducing general housing stock for owner occupiers and renters alike – and how this chronic stress led to already scarce housing options for vulnerable people becoming essentially non-existent after the floods.

It is not socially or economically sustainable to rely upon headleasing arrangements for crisis accommodation with property-investor Airbnb landlords. Following the North Coast floods in early 2022, DCJ assisted people into non-hosted holiday accommodation as crisis accommodation for a

¹⁵ AIHW. (June 2022). Data tables: Social housing dwellings 2022. Retrieved from <https://www.aihw.gov.au/getmedia/b78788f7-57cf-4df8-931d-836d4ab71169/AIHW-HOU-326-Data-tables-Social-housing-households-2022.xlsx.aspx>

¹⁶ Ibid.

¹⁷ NSW Parliament, Legislative Council. (1 March 2021, pp. 57 & 83). *Budget Estimates 2020-2021 Portfolio Committee No. 4 Industry: Answers to supplementary questions (Pavey)*. Retrieved from

<https://www.parliament.nsw.gov.au/lcdocs/other/15376/Answers%20to%20supplementary%20questions%20-%20Pavey.pdf>

¹⁸ Hall, A & Armbruster, S. in SBS News. (28 February 2023) *A year on from the devastating Lismore flood, Greg and Vicki are still living in a caravan*. Retrieved from <https://www.sbs.com.au/news/article/a-year-on-from-the-devastating-lismore-floods-greg-and-vicki-are-still-living-in-a-caravan/5yhfpq1o>

¹⁹ Wood, D. in Insurance Business Magazine. (11 January 2023). *Insurance challenges: Local broker on Lismore's flood recovery*. Retrieved from <https://www.insurancebusinessmag.com/au/news/natural-catastrophe/insurance-challenges-local-broker-on-lismores-flood-recovery-432412.aspx>

²⁰ van den Nouwelant, R. & Cibir, A. (October 2022). The impact of housing vulnerability on climate disaster recovery: The 2022 Northern Rivers Floods. *UNSW City Futures Research Centre*. Retrieved from <https://cityfutures.ad.unsw.edu.au/documents/700/Northern-Rivers-postflood-housing-20221102.pdf>

few weeks, and then served evictions from these homes in order to “honour Easter 2022 tourist bookings” and the fact that Bluesfest was still planning to go ahead²¹. DCJ at the time was not able to confirm how many of these evictees would be relocated to other suitable accommodation and simply stated “when Easter is over, we will transport people back again, and we will put people back in emergency accommodation”. The good PR of offering up whole-home holiday accommodation during times of crisis can serve to expand the social licence of platforms such as Airbnb and Stayz. But in reality, these feel-good stories have sad, abrupt endings. The extent to which Airbnb and Stayz were able to help with the problem of the need for crisis accommodation also shows the extent to which they were already part of the problem – in withholding well-located housing stock from the general rental and owner-occupier market.

As anthropogenic global warming continues to be a major society-shaping factor into 2050 and beyond, homes and neighbourhoods need to be well-located and resilient to alternating flood and bushfire events²². Those most vulnerable to climate change impacts and homelessness are oftentimes low-income earners who are increasingly locked out of the private rental market and home ownership opportunities.

Due to the above factors (and other parameters outlined in our latest [Regional Housing Need report](#)), Byron Shire is ranked in joint-top position as an LGA of high housing need in regional NSW.

The rise of Airbnb and peer-to-peer accommodation

“Home sharing” platforms such as Airbnb have moved a long way from being incidental income makers for owner-occupiers in their primary place of residence. They now operate as quasi-hotels for property investors, being commercial in nature, and with an eroding effect on the total stock of housing able to be used as homes by local residents and renters²³.

Byron Shire is far from being alone in trying to adequately regulate and return non-hosted holiday accommodation back to the regular housing market. A 2020 study²⁴, published in *Annals of Tourism Research* and summarising the various regulatory responses to the phenomena of online booking platforms such as Airbnb, stated that in:

²¹ Oataway, L & Shoebridge, J. in ABC News. (1 April 2022). *Flood victims told to leave emergency housing in Byron Bay to make way for Easter holiday-makers*. Retrieved from <https://www.abc.net.au/news/2022-04-01/flood-victims-told-to-leave-emergency-accommodation/100959270>

²² Intergovernmental Panel on Climate Change. (February 2022). *IPCC Sixth Assessment Report*. Retrieved from <https://www.ipcc.ch/report/ar6/wg2/>

²³ Sigler, T. & Panczak, R. in The Conversation AU. (13 February 2020). *Ever wondered how many Airbnbs Australia has and where they all are? We have the answers*. Retrieved from <https://theconversation.com/ever-wondered-how-many-airbnbs-australia-has-and-where-they-all-are-we-have-the-answers-129003>

²⁴ von Briel, D. & Dolnicar, S. (2020). The evolution of Airbnb regulation – An international longitudinal investigation 2008-2020. *Annals of Tourism Research*, <https://doi.org/10.1016/j.annals.2020.102983>

popular tourist destinations (San Francisco, New York, Amsterdam, London, Berlin, Paris, Barcelona, Reykjavick, Vienna, Tokyo, and Hobart) affected by the normalisation of peer-to-peer accommodation such as Airbnb... these destinations experienced reduced quality of life for residents, reduced housing availability, affordability, and changes in the character of neighbourhoods.

Australia is somewhat unique, however, in our approach to embedding the housing market as a cornerstone feature of 'growing' our economy²⁵. Our comfort in knowing that politicians are reluctant to stop the gravy-train of capital gains on land and property and that our tax system is infinitely skewed toward rewarding concessions to property investors no matter their risk management strategies²⁶, has naturally created a culture whereby reaping the most profits per unit of housing is not only normalised, but expected. With digital 'disrupters' such as Airbnb and the rising social pressure to perform lifestyle perfection on other platforms (such as Instagram), it was only a matter of time until Australians started to view homes as boutique, commercial ventures – not only promising financial returns but online social capital²⁷.

Although these abodes tend to be located at the luxury end of the housing market, they still would ordinarily add to total housing stock, meaning there is less competition between higher income households and lower income households for the same, stabilised pool of housing stock.

Shelter has highlighted to the Greater Cities Commission²⁸ the folly in setting housing supply targets if the Commission is not also monitoring the attrition rate of housing stock to the short term holiday market. Goals to increase housing supply may be scuppered by new and existing housing stock being diverted at fluctuating rates to the non-hosted holiday accommodation market. We are not aware of specific monitoring of this issue by the Department of Planning & Environment ('DPE') or Urban Development Programs ('UDPs'). Seeing as a UDP is in the process of being set up for the North Coast per the North Coast Regional Plan 2041, **we would like to see real monitoring of the dwelling stock conversion rate to non-hosted holiday accommodation built into the UDP's remit.**

²⁵ Maley, K. in the AFR. (8 May 2021). *How Australia's property obsession warps the economy*. Retrieved from <https://www.afr.com/companies/financial-services/how-australia-s-property-obsession-warps-the-economy-20210506-p57pbp>

²⁶ (Pawson, Milligan, & Yates, 2020)

²⁷ Sullivan, H. in The Guardian. (29 May 2021). *Hollywood and homelessness: the two sides of Byron Bay*. Retrieved from <https://www.theguardian.com/australia-news/2021/may/29/hollywood-and-homelessness-the-two-sides-of-byron-bay>

²⁸ Shelter NSW. (27 October 2022). Greater Cities Commission Six Cities Discussion Paper: Submission. Retrieved from https://sheltersnsw.org.au/wp-content/uploads/2022/10/221027_GCCSixCitiesDiscussionPaper_submission_final_KC.pdf

International and Australian case studies

Barcelona has a licencing/permit system and the total number of licences allocated to whole-home accommodation operators is limited in number, subject to frequent reviews in light of broader housing stock trends and consultation with Industry²⁹. The PEUAT Strategy by Barcelona City Council establishes a zero-growth plan for whole-home holiday accommodation across the city, with the City declaring “no type of tourist accommodation may replace a dwelling” and new licences generally only come about when existing holiday listings lapse. The PEUAT Strategy includes the central guarantee of “a right to housing for local residents”.

Shelter Tasmania have done considerable work³⁰ investigating the impact of non-hosted holiday accommodation in Hobart and similarly, how Hobart Council is looking to prohibit new non-hosted accommodation conversions occurring in Central Hobart. This prohibition, like Barcelona, is effectively an acknowledgement that the total number of whole-home listings in Hobart has crested the tipping point for what local residents and communities can bear in terms of housing availability, affordability, and social cohesion.

The Western Australian Government is proceeding with State-wide plans to regulate short term holiday accommodation with day-caps of 60 days per calendar year³¹. Stories continue to trickle out of WA of various businesses buying or renting whole hostels and motels to ensure employees have somewhere to live. Take for example, Busselton – where non-hosted holiday homes number in the thousands whilst the number of traditional rentals advertised in the region hovers below 20 homes – a holidaying campsite in this tourism hotspot has opened up new tent sites but only to those campers who can prove they are employed locally³².

The Department of Planning & Environment, in their own representations to the Public Hearing on Day 1 admitted that the 180-day State-default cap was “arbitrary... no real science behind it”³³. This admission tracks with the lack of international case studies one can find in relation to government bodies instituting a 180-day whole-home, unhosted accommodation cap – let alone where such a cap has been effective at incentivising the return of homes to the long-term rental or owner-occupier market.

²⁹ Barcelona City Council. PEUAT. (2022). Retrieved from <https://ajuntament.barcelona.cat/pla-allotjaments-turisticis/en>

³⁰ Phibbs, P, Ely, J, & Shelter Tasmania. (December 2022). *Monitoring the impact of short-term rentals on Tasmanian housing markets*. Retrieved from <https://shelertas.org.au/monitoring-the-impact-of-short-term-rentals-on-tasmanian-housing-markets-1st-update-since-june-2022-baseline-report-dec-2022/>

³¹ WA Government. (14 December 2022). Short term rental accommodation. Retrieved from <https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/short-term-rental-accommodation>

³² Bold, S, Lynch, J, & Bayens, D. in ABC South West WA. Busselton campsite opens new 'tent land' solely for seasonal workers amid regional housing crisis. Retrieved from <https://www.abc.net.au/news/2023-02-14/busselton-campsite-opens-new-area-solely-for-seasonal-workers/101968036>

³³ Walton, L. on behalf of DPE. (21 February 2023, p. 9). *Public Hearing Day 1: Transcript of Proceedings*. NSW IPC Case: Byron Shire Short Term Rental Accommodation Planning Proposal. Retrieved from <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2022/byron-bay-stra/230221-byron-shire-stra-pp-public-hearing-transcript-day-1.pdf>

In discussions with international expert and data scientist, Murray Cox, Founder of InsideAirbnb, Mr Cox indicated that the highest cap he has come across in his work is “120 days per year, unhosted whole-homes... and that was an intentionally generous cap introduced by the City of Los Angeles”.

“STRA” day-caps versus planning permits

Generally, Shelter NSW has come to the position that the State Government needs to be flexible in working with and allowing Councils to set their own short-term holiday accommodation regulations and policies. **We assert that in many instances, a permit- and DA-based rather than day-cap system is more appropriate in directly enforcing and monitoring the return of homes to the traditional housing market.**

Research internationally³⁴ has shown that annual day-caps for non-hosted holiday accommodation use are less efficient in returning dwellings to the long-term rental market than policies limiting the total number of whole-home accommodation per suburb. We suggest that the total number of non owner-occupied hosted accommodation should be capped per LGA in accordance with local studies into the maximum allowable number of non-hosted accommodation that can occur without adverse impact on the long-term rental market in each location.

Furthermore, **total non-hosted accommodation volume caps for LGAs should be guided by density caps (e.g. no more than x number of non-hosted accommodation options per y suburb), to ensure hollowing out of well-serviced, well-located neighbourhoods for whole-home accommodation use does not occur.** Local research and evidence for density caps as they vary from suburb to suburb will be required.

The sociospatial disadvantages of whole-home holiday accommodation use are well documented globally³⁵, in that local residents are generally pushed further afield from their areas of employment and community facilities, with significant burdens on planning for transport, open space, schools, and other physical and social infrastructure. Density caps that are tipped more favourably to non-hosted accommodation uses in certain neighbourhoods will allow better infrastructure planning, more creative precinct planning, and more holistic leisure experiences in line with tourism goals of cities and regions.

The concept of non-hosted accommodation volumes caps and density caps harmonises well with the NSW Government’s apparent desire to foster more socially diverse neighbourhoods, and so it

³⁴ (Such as London versus Barcelona). Frenken, K & Schor, J. (2019). Putting the sharing economy into perspective. In *A research agenda for sustainable consumption governance*. Edward Elgar Publishing ; Temperton, J. (February 13, 2020). *Airbnb has devoured London – and here’s the data that proves it*. <https://www.wired.co.uk/article/airbnb-london-short-term-rentals>

³⁵ (example: formerly working class district of Alfama in Lisbon, now thoroughly gentrified) Shabrina, Z et al (2021). Airbnb and its potential impact on the London housing market. <https://doi.org/10.1177/0042098020970865>; Cocola-Gant, A & Gago, A. (2019). Airbnb, buy-to-let investment and tourism-driven displacement: A case study in Lisbon. <https://doi.org/10.1177/0308518X19869012>

is hoped these long-range reforms to how we deal with non-hosted holiday accommodation will be seriously considered.

NSW Planning System

Short-term letting platforms such as Airbnb are marketed toward tourists who can afford (or are willing) to pay a higher price for leisure accommodation than residents who are seeking temporary housing. This is evident in the NSW Department of Planning's 2017 Options Paper³⁶ on regulating short term holiday letting, which went on to form the basis of the "STRA" provisions in the Affordable Rental Housing SEPP and now the consolidated Housing SEPP 2021.

The existing land use definitions at the time (2017) adequately covered the concept of non-hosted short term holiday letting, under the term "serviced apartment" or umbrella category of "tourist and visitor accommodation"³⁷:

***serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.*

Note—Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

***tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:*

- (a) backpackers' accommodation,*
 - (b) bed and breakfast accommodation,*
 - (c) farm stay accommodation,*
 - (d) hotel or motel accommodation,*
 - (e) serviced apartments,*
- but does not include:*
- (f) camping grounds, or*
 - (g) caravan parks, or*
 - (h) eco-tourist facilities.*

³⁶ NSW Government. (July 2017). Short-term holiday letting in NSW: Options paper. Retrieved from https://www.planning.nsw.gov.au/~/_media/Files/DPE/Other/short-term-holiday-letting-options-paper-20-July-2017.ashx

³⁷ NSW Government. (historical version, 25 August 2017). *Standard Instrument - Principal LEP (2006)*, s. Dictionary. Retrieved from <https://legislation.nsw.gov.au/view/html/2017-08-25/epi-2006-155a#dict>

We note that many within the building regulation sector also viewed non-hosted, short stay holiday letting as “serviced apartments” requiring many (if not all) Class 3 building features³⁸.

Shelter takes umbrage with the term “short term rental accommodation” and indeed regulations relating to whole-home holiday accommodation and the like occurring within the Housing SEPP 2021 as “housing diversity” provisions.

Non-hosted holiday accommodation is not a form of housing diversity and regulations should not be couched in the Housing SEPP. Non-hosted, non owner-occupied whole-home holiday accommodation is “tourist and visitor accommodation” and not an ancillary use to a “dwelling house”³⁹. Simplifying non-hosted, non owner-occupied holiday accommodation as “heads on beds = residential” belies the commercial nature of these quasi-hotels, particularly as these accommodation arrangements are generally not underpinned by a standardised lease agreement within the meaning of the NSW Residential Tenancies Act 2010.

We therefore maintain that whole-home, non owner-occupied, and unhosted holiday accommodation is a change of use within the NSW planning framework and that local Councils should be able to regulate these uses as they would any other change of use DA.

The “STRA” Register

In Byron Shire LGA and according to the NSW “STRA” Register, the percentage of private dwellings used as non-hosted accommodation is 7.48% or 1 in 13 homes⁴⁰, and this is the highest percentage out of any LGA in NSW. But even these numbers appear to downplay (by a degree of approx. 1000) the true extent of non-hosted, whole-home accommodation listed on Airbnb in Byron LGA, per analysis provided by InsideAirbnb (see **Table 1** in the **Context** section).

We have questions about how the STRA register is populated, managed, enforced, and audited. These questions have arisen from discussions with Murray Cox, founder of InsideAirbnb, and Planning Officers in various local Councils. Our questions are collated below:

- What is the process for a host claiming an exemption from needing to list a property on the Register?
- Is it true that the obligation is on the platforms themselves to ensure registration numbers for properties are populated before a property is listed?

³⁸ Chun, P. (20 February 2012). Report for the Australian Building Codes Board: Class 2 and 3 evaluation of options project. Retrieved from <https://www.abcb.gov.au/sites/default/files/resources/2022/Report-class-2-3-evaluation-of-options-project-Philip-Chun.pdf>

³⁹ Dobrohotoff v Bennic [2013] NSWLEC 61. Retrieved from <https://www.caselaw.nsw.gov.au/decision/54a6399b3004de94513da983>

⁴⁰ NSW Parliament, Legislative Council. (23 September 2022, p. 24). *Budget Estimates 2022-2023 Portfolio Committee No 7 Planning and Environment: Answers to Supplementary Questions (Roberts)*. Retrieved from [ASQON - Hon Anthony Roberts MP - Planning, Homes - received 23 September 2022.pdf \(nsw.gov.au\)](https://www.parliament.nsw.gov.au/committees/committees/Pages/Answers-to-Supplementary-Questions-(Roberts)-23-September-2022.aspx)

- Does the same registration number/property ID follow a property listing even when it changes ownership?
- Apparently Airbnb and the like are required to submit data to the Register.
 - How frequently does this occur? Is it instantaneous (API integration)?
- We are of the understanding that the Register relies on self-reporting from hosts of days commercially booked across various platforms.
 - How is this information verified, external to self-reporting by hosts?
- We are of the understanding that hosts can self-nominate on the Register whether they are hosted or unhosted, resulting in compliance headaches for local Planning and Compliance teams seeing registered IDs for “hosted” and then public-view on Airbnb, Stayz booking websites of the same property able to be booked as “entire home”.
 - What warnings are given to accommodation listers around the fines associated with incorrectly listing as hosted or unhosted?
 - Are there any plans to phase out self-nomination from hosts as to whether accommodation is hosted or unhosted (or at least, instantaneously update the register listing from “unhosted” to “hosted” as contradicting data is pulled from the listing itself on various platforms as “entire home” or “spare room”)?
- Apparently two sets of fees are collected from users of the Register.
 - What percentage of fees collected go directly to local Councils to assist with compliance and enforcement costs?
- Does the Department have plans to make publicly available Register data, for external interrogation?
 - Are there plans for annual statistical reporting of the Register’s performance to be made available to the public? If not, why?
 - Are there plans to alter the Planning regulations to legislate mandatory schedules for reporting on the Register? If not, why?

The scope of these questions reinforces Shelter NSW’s position that a permit, DA-style regulatory system for change in use of dwellings to mostly non-hosted, non owner-occupied, whole-home holiday accommodation is preferable to an indirectly enforceable (and by all accounts, easy to swindle) Register.

Byron Shire Council's Planning Proposal

The Planning Proposal by Council currently before the IPC has undergone many reviews and compromises with the State Government (five or so since 2004, we understand). Council originally sought to regulate non-hosted holiday accommodation to a 90-day cap in some locations, this corresponding roughly with the number of school holidays in a year that an owner-occupier family may be away from their principal place of residence in the Shire. Thus, an owner-occupied home could be “shared” in its entirety with a visiting family during busy, school holiday periods. With the advent of the commercialisation of housing and property-investor, remote hosts through online platforms such as Airbnb and Stayz, Council is still seeking a 90-day per year non-hosted cap in most neighbourhoods, to encourage a return to this sharing-style dynamic.

The mapped and capped compromise in the most current Planning Proposal is for high-amenity seaside locations to be exempt 365 days a year from the non-hosted cap, and other residential neighbourhoods to be subject to a 90-day per year non-hosted cap. As the Byron Shire Mayor has pointed out to IPC⁴¹, this mapped and capped approach will allow for higher concentrations of tourist uses in some areas (365 days exempt), and a return to more residential uses in other suburbs. The Proposal to essentially surrender some seaside and luxury abodes to the 365-day per year non-hosted exemption recognises the long-standing use of many of these buildings for the purposes of visitor accommodation. These generally being homes that would have been available on the traditional holiday or bed and breakfast market long before digital disrupters such as Airbnb and Stayz came along.

Where the housing stock issue mostly exists, is in the conversion of dwellings as a result of the gigification of housing through easy-to-use online platforms, i.e. dwellings being converted to the non-hosted holiday market that would have ordinarily and perhaps up until 10 years ago, been used for residential purposes by local renters and owner-occupiers.

Professor Peter Phibbs and Byron Shire Council have expressed concerns with Urbis' Economic Impact Assessment methodology in some parts, particularly the false equivalence in importance of economic costs to a visiting family not being able to rent affordable holiday accommodation and social costs of a local family not being able to source shelter.

The EIA is also highly dismissive of, and provides limited to no analysis of, the economic impact of greater investment by the hoteling industry in the LGA, for purpose-built visitor accommodation, boutique hotels, and luxury resorts. The EIA states there is limited appetite for – and community opposition to – these types of developments in the Shire. Surely, however, as the non-hosted holiday accommodation market is constrained in the LGA, this will act as a market signal to the hotelling industry to invest in purpose-built accommodation to make up for any shortfall? And is

⁴¹ Pre-hearing transcript with Byron Shire Council and Mayor

this quoted “community opposition” coming from property investors who may see their per-night profits in holiday accommodation take a hit from greater hotelling competition?

The State Government’s commitment to remaining firm at 180 days as the lowest cap possible does not appear to be underpinned by any analysis or evidence from DPE that this is the best course of action for tackling the loss of housing stock to whole-home holiday lets, as admitted by DPE during Day 1 of the Public Hearing. Consistency in day-cap regulation across jurisdictions serves the purpose of shoring up multi-property investor confidence, but does not serve the expressed needs and will of local residents and business owners in wanting to preserve homes for housing.

The default 180-day cap offered by the State Government as a sensible housing and planning solution will not affect the existing behaviour of non-hosted accommodation on platforms such as Airbnb (refer Table 4 below):

Table 4. Night occupancy data for existing whole-home accommodation on Airbnb⁴²

LGA (2016)	Whole-home listings that are booked for less than 90 days per 12 month period (to Nov 2021)	Whole-home listings that are booked for more than 90 days per 12 month period (to Nov 2021)	Whole-home listings that are booked more than 180 days per 12 month period (to Nov 2021)	Average night occupancy/nights booked in 12-month period to Nov 2021 (all listing types)
Byron	2166	504	210	54
Ballina	423	108	56	59
Tweed	902	219	106	59
Clarence Valley	475	140	47	59

Table 4 demonstrates how 180 days is such a high cap that will regulate only a small portion (less than 10%) of whole-home Airbnbs in the Byron Shire. For a day-cap mechanism to have any hope in effectively enticing homes back to the regular housing market, the cap needs to substantially capture some of those properties that would otherwise be booked out above the day-cap. As indicated elsewhere in this submission, 180-days per year exempt cap on non-hosted accommodation is nearly unheard of in international and national policy frameworks. The “norm” for unhosted, non owner-occupied accommodation caps tends to sit around 30 to 90 days per year⁴³.

Like any Euclidian zoning solution, there will always be landholders who feel they have missed out. Whether it’s one side of the road being zoned R2 low residential and the other side being zoned R1 general residential, or in this case, one part of a neighbourhood being non-hosted accommodation exempt 365 days a year and another part limited to 90-days, there will always be landholders decrying exactly where that line is drawn if that line does not give them an unearned increment in land values. **We wonder if cooler heads had prevailed, whether the discussion of a**

⁴² Cox, M. (2021). *Inside Airbnb*. Retrieved from <http://insideairbnb.com/get-the-data.html> [spreadsheet avail on request]

⁴³ Hubscher, M, & Kallert, T. (8 September 2022). Taming Airbnb Locally: Analysing regulations in Amsterdam, Berlin, and London. *Journal of Economic and Human Geography*. Retrieved from <https://onlinelibrary.wiley.com/doi/10.1111/tesg.12537>

60-day cap between the Department and Council may have been on the table for the dire situation that Byron is in.

Given all of the above, and the strictures placed on Council in having to regulate within the confines of the Housing SEPP 2021, we at Shelter NSW support the mapped and capped, 365 and 90 day cap exempt approach for non-hosted holiday accommodation.

Social and Affordable Housing

As the Australian housing market persistently fails to provide affordable and appropriate homes for low-income households, Shelter NSW calls on the State Government to be leaders in the arena of providing social and Affordable Housing, long-term. To truly tackle the regional housing crisis, State Government needs to invest in more acquisition and construction of social housing properties.

As outlined in the **Context** section, Byron and surrounds have a severe shortage of social housing properties and long waitlists, with households waiting 5 to 10 years for access to housing. The number of social housing properties has declined in real terms for the past decade in the North Coast region. Unfortunately, this is a trend we are seeing on a larger scale; the NSW Government undervaluing the social benefits and need for public housing.

Shelter NSW routinely advocates for restoring social housing stock to 5% of all dwellings in each NSW LGA, with longer-term goals of reaching 10% of all housing stock being social housing by 2040. These are not fantastical or unrealistic percentages; in Australia up until a decade or so ago, 5% of housing as social housing was the norm⁴⁴. Our advocacy in the 5-10% range would put the NSW jurisdiction below the average of other OECD jurisdictions⁴⁵.

There are approximately 5,900 social housing properties in the North Coast region currently. We assert that growth in social housing stock should closely match growth in population (relying on projections of population to plan for social housing acquisition and construction). For instance, as 6.0% of the State's population will reside somewhere in the North Coast region by 2041 per DPE's own population projections⁴⁶, **anywhere between 6 to 7 percent of all social housing properties in the State should be delivered in the North Coast region.**

Given the known social housing waitlist and projected population figures for the North Coast region to 2040⁴⁷, we are curious to know how the State Government will meet social housing

⁴⁴ (Pawson, Milligan, & Yates, 2020)

⁴⁵ OECD. (15 March 2022). *Social Rental Housing Stock*. Retrieved from [\[Title\] \(oecd.org\)](#)

⁴⁶ NSW DPE. (June 2022). *DPE Planning Regions 2022 CPA Population and Dwelling projections to 2041*. Retrieved from <https://www.planning.nsw.gov.au/Research-and-Demography/Population-Projections/Explore-the-data>; refer to Appendix A in this submission

⁴⁷ Ibid.

demand if not through existing public land holdings? Land represents a considerable cost that significantly impacts the viability of social and Affordable Housing developments. Opportunities exist across Government including LAHC, Transport Asset Holding Entity ('TAHE'), Landcom, TAFE, School Infrastructure NSW, Crown Lands, and others to support delivery of the homes NSW needs. This land-use attitudinal shift of existing holdings requires a reconsideration of the requirements of financial return and a greater focus on social return on investment.

As for the public housing redevelopment process in NSW, it remains the case that these long-standing housing assets are currently located on wholly-owned public land. Publicly-owned land is a vitally important community asset which needs to be retained in public ownership as long as possible for intergenerational equity.

We understand that the State Government tends to apply a 70 private/30 social housing proportion model to redevelopment of public housing estates. This involves selling all or part of a public housing site to private developers who commit to building new social housing for the Government's social housing developer, LAHC. This reflects LAHC's self-funding model of development – where rental income and LAHC owned property asset sales pay for new public housing construction⁴⁸.

We observe that whilst the NSW Government appears to have ceased actively branding its social housing estate renewal programs as 'Communities Plus'⁴⁹ projects, its general business model of selling public land to private developers in exchange for typically just 30% of social housing dwellings (and no requirement for Affordable Rental Housing) in the resultant denser estate remains under the *Future Directions for Social Housing Strategy*.

Darcy and Rogers⁵⁰ note that a target of 70% private and 30% public dwellings has become an accepted standard for public housing renewal projects in several Australian states. The majority private ownership is said to be necessary "to counter stigma and the supposed demotivating impacts of concentrated disadvantage". They argue, on the contrary, that each housing estate has its own unique profile, within its own local context (whether it be a suburb or town). **How can a standard ratio be applied to every public housing estate being renewed?** As to the social engineering goals of creating an ideal 'social mix', we wonder why below-market Affordable Rental Housing is not included as a necessary part of the social mix, as an intermediary between government-owned housing and private dwellings? Darcy and Rogers further report that rather than the mix of housing type and tenure, it is the mix of ages, incomes and family types amongst social housing tenants and the delivery of other

⁴⁸ NSW LAHC. (May 2022, p. 8). Local Area Analyses – Wollongong. Retrieved from [Local area analysis – Wollongong \(nsw.gov.au\)](https://www.nsw.gov.au/local-area-analysis/wollongong)

⁴⁹ NSW DCJ. (n.d.). *Communities Plus*. Retrieved from <https://www.facs.nsw.gov.au/reforms/future-directions/initiatives/communities-plus>

⁵⁰ Darcy, M. & Rogers, D. (October 2019). *Finding the Right mix in Public Housing Redevelopment: Review of Literature and Research Findings*. USYD The Henry Halloran Trust. Retrieved from <https://www.sydney.edu.au/content/dam/corporate/documents/henry-halloran-trust/hht-social-mix-discussion-paper.pdf>

community programs that are more important in securing positive outcomes for low-income households.

Shelter NSW has released an important piece of research⁵¹ that calls on people interested in sound public policy to reimagine the economics of public housing. Whilst the paper looks at the proposals for the large Waterloo South social housing estate renewal project as a case study, it has broader applications that we implore State Government to consider.

The paper, [*Reimagining the economics of public housing at Waterloo*](#), observes that in NSW, investment in new public housing has been considered as a cost only. But even lay people would see housing (including public housing) as an asset that generates a return over time in the form of rental income and capital gains. Murray & Phibbs argue that:

ignoring these asset returns is a key economic issue with the LAHC self-fund development model... [it] privatises long-term returns on real estate assets, which are the source of value that funds public housing redevelopment.

Murray & Phibbs' paper calls for more elegant economic and financial designs. This would include mimicking private sector behaviour, such as using leverage during redevelopment periods, retaining market risk and return during the development process, and retaining long-term ownership of as much of the real estate asset base as possible.

With specific reference to Waterloo Estate renewal, the Paper explores a model whereby 50% of new dwellings are social housing, 25% are retained by LAHC as build-to-rent housing at market prices, and 25% are sold by LAHC to the private market. This scenario uses low-cost leverage to generate positive cashflow, and maximises exposure to long-term capital gains for LAHC.

In short, we do not agree with the 70 private/30 social 'Communities Plus' blanket-approach applied to public housing estates in NSW. Further, we assert that differing residential social mix proportions may be suitable for other government-owned and Crown land not linked to existing public housing estates, so long as more-land-than-not is retained in public ownership for future generations' benefit. **We suggest all local Councils and DPE ask for underpinning cost-benefit analyses, business cases, and tender documents to accompany rezoning and Development Applications for public housing renewal projects proposed by LAHC and other social housing providers.**

Shelter NSW strongly advocates for Affordable Rental Housing in addition to social housing, not instead of it, when it comes to renewing public housing estates. Affordable Rental Housing is an important tenure type that should complement renewal projects. This type of housing and tenure responds to a vital group of households that are often overlooked – financially stressed renters in the insecure, private residential housing market (renters who otherwise generally do not qualify

⁵¹ Murray, C. & Phibbs, P. (2021). *Reimagining the economics of public housing at Waterloo*. Retrieved from https://sheltersnsw.org.au/wp-content/uploads/2022/03/Reimagining-the-economics-of-public-housing-at-Waterloo_FINAL.pdf

for social housing). It also caters for important key workers such as aged care workers and early childhood educators who are increasingly falling into rental stress and housing precarity with all-time-low national rental vacancy rates⁵⁶.

We applaud Byron Shire Council for trying to tackle the housing crisis from multiple angles – we are of the understanding they are setting up an Affordable Rental Housing Contributions Scheme, and they have been investigating what Council-owned land can be used for temporary accommodation.

Questions to Department of Planning & Environment

In early January, Shelter NSW received advice from Byron Shire Council that “the Minister for Planning, Homes... has withdrawn local plan-making authority... for the Short Term Rental Accommodation Planning Proposal”.

We understand the powers the Minister has for referring matters to IPC for advice and recommendations, but we are perplexed by the Ministerial discretion applied in this instance to take away the final decision-maker power from Council (and have it reside with the Minister instead).

Our questions to DPE in January on why local plan-making authority has been stripped from Byron Shire Council have gone unanswered. They are:

Dear Ms Davis,

I am writing to you regarding PP-2021-3351 Planning Proposal for Short-Term Rental Accommodation in Byron Shire. I have some questions on the status of this Planning Proposal and plan making authority. I have submitted these questions to the general DPE contact form [here](#), but thought I would contact you directly as well as your details are listed on the [Planning Portal](#) for this Proposal.

I am enquiring about what parts of the EP&A Act 1979 or Regulation 2021 have been invoked in the Minister’s decision to withdraw local plan making authority from Byron Shire Council in its Planning Proposal to map & cap STRA to 90 days per calendar year.

An email dated 23 December 2022 from the STRA Planning Team at Byron Shire Council indeed suggests that local plan making authority has been “withdrawn... [and] the decision now rests with the Minister... the Minister has asked the IPC to provide him with advice”.

I have skimmed the EP&A Act 1979 and Regulation 2021 to try and ascertain what legislative powers have allowed this withdrawal of plan making authority from Council. Your help in pointing me in the right direction would be much appreciated.

I have read through the following media release and have spotted no mention of s3.32(2) of the EP&A Act 1979: <https://www.planning.nsw.gov.au/News/2022/Independent-advice-to-steer-Byron-proposal>.

If the Minister is relying on a subclause within s3.32(2) of the Act to withdraw local plan making authority, please specify which subclause ((a) through to (e)) and what other policies or procedures (internal or otherwise) assisted the Minister when forming the opinion to do so. The media release from DPE states “in light of the 1500 pieces of feedback received... the Government has asked the IPC... to advise... whether the Government should allow the proposed changes to go forward”.

Do voluminous submissions (whether pro forma submissions or not) and numbers of petition signatures factor into any of the Minister’s opinions that can be reasonably formed under s3.32(2)(a – e) but perhaps specifically, s3.32(2)(a)? Has there been a breach of Gateway Determination conditions per s3.32(2)(d)?

Additionally, I am trying to find a copy of the latest version of the Gateway Determination document on Planning Portal. The last correspondence I can see on the page for PP-2021-3351 is the cover letter to the alteration of Gateway Determination granted by Minister Roberts seemingly in mid-2022

(<https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACH-FILE%20PEC-DPE-EP-WORK%20GA-2022-44!20220608T222955.888%20GMT>), but the terms/conditions of the altered Gateway Determination is absent.

Thank you for your time

Shelter would appreciate if the IPC could provide insight on this question or at least refer our question along to the appropriate person in DPE.

Recommendations relating to “STRA”

Shelter NSW recommends the following actions be undertaken by IPC:

1. Support Byron Shire’s proposed mapped and capped 365/90 day non-hosted accommodation cap exemption for the LGA and recommend the Minister for Planning, Homes to advance the Planning Proposal to finalisation.
2. Pass on Shelter’s critique to Department of Planning & Environment of the existing “STRA” framework within the NSW planning system:
 - a. The State Government needs to be flexible in working with and allowing Councils to set their own short-term holiday accommodation regulations and policies. This will require the State Government to set aside its own arbitrary, blanket cap of 180 days in favour of 90 (or even 60) day non-hosted accommodation caps as requested by local Councils.
 - b. Non-hosted holiday accommodation is **not** a form of housing diversity and regulations should not be couched in the Housing SEPP.
 - c. We maintain that whole-home, non owner-occupied, and unhosted holiday accommodation is a change of use within the NSW planning framework and that local Councils should be able to regulate these uses as they would any other change of use DA.
 - d. We assert that in many instances, a permit- and DA-based rather than day-cap system is more appropriate in directly enforcing and monitoring the return of homes to the traditional housing market.
 - e. Total non-hosted accommodation volume caps for LGAs should be guided by density caps (e.g. no more than x number of non-hosted accommodation options per y suburb), to ensure hollowing out of well-serviced, well-located neighbourhoods for whole-home accommodation use does not occur. Local research and evidence for density caps and as they vary from suburb to suburb will be required.
3. Relay our questions of the “STRA” register to the Department of Planning & Environment:
 - a. What is the process for a host claiming an exemption from needing to list a property on the Register?
 - b. Is it true that the obligation is on the platforms themselves to ensure registration numbers for properties are populated before a property is listed?
 - i. Does the same registration number/property ID follow a property listing even when it changes ownership?
 - c. Apparently Airbnb and the like are required to submit data to the Register.
 - i. How frequently does this occur? Is it instantaneous (API integration)?
 - d. We are of the understanding that the Register relies on self-reporting from hosts of days commercially booked across various platforms.
 - ii. How is this information verified, external to self-reporting by hosts?

- e. We are of the understanding that hosts can self-nominate on the Register whether they are hosted or unhosted, resulting in compliance headaches for local Planning and Compliance teams seeing registered IDs for “hosted” and then public-view on Airbnb, Stayz of the same property able to be booked as “entire home”.
 - iii. What warnings are given to accommodation listers around the importance/fines associated with incorrectly listing as hosted or unhosted?
 - iv. Are there any plans to phase out self-nomination from hosts as to whether accommodation is hosted or unhosted (or at least, instantaneously update the register listing from “unhosted” to “hosted” as contradicting data is pulled from the listing itself on various platforms as “entire home” or “spare room”)?
 - f. Apparently two sets of fees are collected from users of the Register.
 - v. What percentage of fees collected go directly to local Councils to assist with compliance and enforcement costs?
 - g. Does the Department have plans to make publicly available Register data, for external interrogation?
 - vi. Are there plans for annual statistical reporting of the Register’s performance to be made available to the public? If not, why?
 - vii. Are there plans to alter the Planning regulations to legislate mandatory schedules for reporting on the Register? If not, why?
4. Advise DPE that Urban Development Programs (and in this case, the North Coast Urban Development Program) that are tasked with monitoring the pipeline of land and housing should be given specific remit to undertake monitoring of the dwelling stock conversion rates to/from non-hosted holiday accommodation.

Recommendations relating to procedural and other planning/housing matters

- 5. Seek a resolution to Shelter’s outstanding questions of the Department of Planning & Environment on the handling of the Gateway Determination process for this Planning Proposal:
 - a. What parts of the EP&A Act 1979 or Regulation 2021 have been invoked in the Minister’s decision to withdraw local plan making authority from Byron Shire Council in its Planning Proposal to map & cap STRA to 90 days per calendar year?
 - b. If the Minister is relying on a subclause within s3.32(2) of the Act to withdraw local plan making authority, please specify which subclause ((a) through to (e)) and what other policies or procedures (internal or otherwise) assisted the Minister when forming the opinion to do so.

- c. Do voluminous submissions (whether pro forma submissions or not) and numbers of petition signatures factor into any of the Minister's opinions that can be reasonably formed under s3.32(2)(a – e) but perhaps specifically, s3.32(2)(a)? Has there been a breach of Gateway Determination conditions per s3.32(2)(d)?
6. Advise DCJ, LAHC, and AHO on the imperative to deliver more social housing in the North Coast region (refer [Appendix A](#)):
 - a. 5% all dwellings being social housing stock (current 2022 requirement) = 12,800 social housing properties (includes 5900 existing)
 - b. 10% all dwellings being social housing stock (by 2040 requirement) = 29,532 social housing properties (includes 5,900 existing)
 - c. Require social housing stock to be commensurate with population projections, such that 6-7 percent of all social housing stock in NSW will be accommodated in the North Coast region by 2040.
7. Consider our critique of the 70/30 'Communities Plus' model and request LAHC and NSW Treasury to review their approaches to public housing renewal:
 - a. preserve public land and public housing (i.e. **more than half of land should remain in public ownership**),
 - b. substantially increase the number of social housing dwellings on a site post-renewal, and
 - c. provide at least 15% Affordable Housing (rental or shared equity product) in addition to public housing.
8. Amplify our suggestion that all local Councils and DPE should ask for underpinning cost-benefit analyses, business cases, and tender documents to accompany rezoning and Development Applications for public housing renewal projects proposed by LAHC and other social housing providers.
9. Highlight our view that planning closer to or above the Probable Maximum Flood event level needs to be seriously considered for all housing assets, but particularly those homes that are our safety nets in times of crisis or homes generally set aside for lower income households and First Nations households who are more vulnerable to climate and economic shocks (social housing).

Appendix A – DPE population and implied dwelling demand projections to 2041

*DPE data (https://www.planning.nsw.gov.au/Research-and-Demography/Population-Projections/Explore-the-data)				*Shelter asks	
Year	Location	Population	Implied dwelling demand (no. of total dwellings required to house projected population, all tenure types)	Restoring 5% of all housing stock as social housing	10% of all housing stock as social housing
2022	North Coast Region	537,449	255,985	12,800	25,599
2041		591,248	295,314	14,766	29,532
2022	NSW Total	8,172,657	3,444,382	172,219	344,438
2041		9,872,934	4,329,475	216,474	432,948
Total percentage of population in NSW that will reside in North Coast region by 2041				6.0	
Total percentage of NSW social housing dwellings that will be delivered in North Coast region per Shelter's 10% of all housing stock ask by 2040				6.8	
Total number of social housing dwellings in the North Coast region per Shelter's 10% of all housing stock ask by 2040				29,532	