

**From:** Lucy Walker  
**Sent:** Friday, 25 November 2022 10:29 AM  
**To:** Lucy Walker  
**Subject:** FW: Communication from ASTRA regarding Byron Shire Council's 90 day cap of STRA.  
**Attachments:** Signed letter from Alan Hunter.pdf; 90 Days Letter - Mark Swivel.pdf; Urbis - Economic Impact Assessment (STRA in Byron Shire) 2022 (3).pdf

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Friday, October 28, 2022 5:10:16 PM  
**To:** [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; Michael Cassel <[REDACTED]>  
**Subject:** Communication from ASTRA regarding Byron Shire Council's 90 day cap of STRA.

Dear Minister and Mr Michael Cassel,

We are the Byron Chapter of the Australian Short Term Rental Accommodation Association and we have come together as concerned small and family business owners, local residents, Chambers of Commerce members, property owners and community members regarding Byron Shire Council's proposal to cap short term rental accommodation (STRA) to 90 days.

ASTRA and the short-term rental accommodation industry have fully supported the NSW Government's legislation requiring registration and enhanced safety compliance from 31 January, 2022. These regulations are already proving effective. However, placing a cap on the number of nights a property may be let as non-hosted short-term rental accommodation (STRA) will not alleviate the shortage of affordable housing in the Byron Shire, but will severely damage the livelihoods of hundreds of local families and businesses who rely on the tourism industry and unlawfully strip basic property rights from some owners, while leaving others untouched.

We remain concerned in relation to the due process of this planning proposal, it is driven by ideology, rather than sound policy and founded research. Much of the data contained within Council's Planning Proposal is inaccurate and has been used to mislead the community during the public exhibition process which commenced on 1 September 2022 and concludes 31 October 2022.

Following the 2022 Northern Rivers floods, Council sought delegated authority from the NSW Government to pursue its 90-day cap planning proposal. According to the current Ministerial Direction, Council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:

- (a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days
- (b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated
- (c) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.

In addition, the Urbis Economic Impact Assessment report that was commissioned jointly by the Department of Planning and Byron Shire Council, recommended against the implementation of 90-day caps due to the net disbenefits accruing to Residential Property Market Owners, Visitors, Local Services and Businesses, and Local Workers. Regardless of the recommendations of the expert independent report, Council ignored the report findings and continued to proceed with its 90-day cap planning policy.

The following are our key concerns:

- Council has misled the public. There are only 1,136 registered non-hosted STRA properties in the Byron Shire, forming just 6.5% of total housing. Not the 5,428 claimed by Council, or 35% of the total housing stock;
- Owners of holiday properties typically own them so their families can use them. Net of costs, most would already be better off offering them for long-term rental;
- A recent survey of Byron Shire STRA owners indicates that no more than 4% intend to add their property to the long-term rental pool if the Proposal is approved;
- There has been no work done to determine if the current pool of STRA properties would create affordable housing for families and local workers that is desperately needed in Byron, as well as many other parts of Australia. The average value of the portfolio of holiday homes that ASTRA Byron represents would be in the multi millions, they are not fit for purpose to alleviate the affordable housing crisis;
- There are currently already over 100 vacant long-term rentals in the Shire. Few are affordable for workers;
- STRA guests are predominantly families who spend approximately 38 times more in the local economy than the average day-tripper;
- STRA properties support 1,448 jobs for trades, cleaners, managers, gardeners, and other services and add \$267m per year to the local economy. The Proposal puts these jobs at risk;
- STRA is consistent with Council's own 2020-30 Visitation Strategy and Council's own independent economic impact study by Urbis which recommended against the 90-day Cap (copy attached);
- With support from Resilience NSW, STRA properties provided a critical source of emergency housing following the 2022 Northern Rivers floods;
- Senior Counsel's advice indicates that retrospectively removing STRA use rights via a nightly cap is unlawful and unenforceable. So, Council and the NSW Government may face years of legal challenges and waste money that could be spent on affordable housing; and
- The current housing crisis in the Byron Shire is the result of decades of planning policy failures by Council and will only be solved by Council supporting projects that increase the supply of new affordable housing. The Proposal is a political tactic to cover-up these failures – see attached letters from Councillors Swivel and Hunter.

Minister, we appreciate you making time to meet with us and consider our position next Wednesday afternoon.

Should you have any questions prior to our meeting please feel free to reach out to me directly at any time.

Yours sincerely,

Colin Hussey

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