



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF PROCEEDINGS**

RE: BYRON SHIRE SHORT TERM RENTAL ACCOMMODATION  
PLANNING PROPOSAL (PP-2021-3351)

### **PUBLIC HEARING DAY 1**

COMMISSION PANEL: DR SHERIDAN COAKES (Panel Chair)  
PROFESSOR RICHARD MACKAY AM  
MS JULIET GRANT

COUNSEL ASSISTING: LUKE WATERSON SC

LOCATION: BYRON COMMUNITY CENTRE  
69 JONSON STREET, BYRON BAY, NSW  
2481

DATE: 10:00 AM, TUESDAY 21 FEBRUARY 2023

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COMMISSIONER SHERIDAN COAKES:

Good morning, and welcome to day one of the Independent Planning Commission's Public Hearing for the Byron Shire Short-term Rental Accommodation Planning Proposal. I'm Sheridan Coakes, and I'm the chair of this Independent Planning Commission. Um, joining me are my fellow Commissioners, Juliet Grant and Richard McKay. We also have Luke Waterson as Counsel Assisting the Commission at this public hearing.

Before we begin, I would like to acknowledge that I'm speaking to you from Bunja- Bundjalung Land, and I acknowledge that the traditional owners of all the country from which we meet today and pay my respects to the Elders past and present, and to the Elders from other communities who may be participating today.

On the 14th of December, 2022, the Minister for Planning and Homes wrote to the Commission requesting advice as part of the finalization of Byron Shire Council's planning proposal. Council's planning proposal seeks to make amendments to the *State Environmental Planning Policy (Housing) 2021*, to amend the number of days of non-hosted, short-term rental accommodation in parts of Byron Shire. Given the large number of submissions related to the proposal and the potentially significant economic impacts it could have on local businesses, the Minister for Planning and Homes has sought the advice of the Commission. The Minister has additionally directed the Commission to hold a public hearing to provide the opportunity to hear from the community and industry.

In the interest of openness and transparency, this hearing is being live streamed on the Commission's website, and a full transcript of the hearing will also be published on the Commission's website in the next few days. This public hearing forms one part of the Commission's process. Written submissions on this matter will now be accepted by the Commission up to 5:00 PM on Wednesday, the 8th of March, 2023. And you can make a submission using the Make a Submission portal on our website or by email or post.

Before we get underway, I would like to outline how today's public hearing will run. While we endeavour to stick to our published schedule, this will be dependent on registered speakers being present to present at their allocated time. Counsel Assisting, Luke Waterson, will introduce each speaker when it's their turn to present to the Panel. Everyone has been advised in advance how long they have to speak. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired. To ensure everyone receives their fair share of time, I will enforce time keeping rules, and I do reserve the right to allow additional time as required to hear new information.

If you have a copy of your speaking notes today or any additional material to support your presentation, it would be very much appreciated if you would provide a copy to this, to the Commission. Please note, any information given to us may be made public. The Commission's privacy statement governs our approach to managing your information, and our privacy statement is available on our website.

Before you speak, it would be very helpful if you could say your name and indicate your interest in the topic. For example, if you own and/or manage a short-term rental property or seeking long-term rental, et cetera. Thank you. It's now time to call our first speaker.

LUKE WATERSON SC:

From the Council?

COMMISSIONER JULIET GRANT:

No. No.

LUKE WATERSON SC:

Oh, the Department. Good start. Um, so Mr. Walton from the Department of Planning.

MALCOM MCDONALD:

Good morning, everybody. Uh, thank you very much. My name's Malcolm McDonald. I'm the Executive Director of Local and Regional Planning. And I have with me Luke Walton, who's the Executive Director of economic policy at the Department. And, uh, I'd like to thank, uh, the IPC for convening this public meeting. Uh, in Cavanbah, as it is known to the Arakwal people of Byron Bay. And it's historically been a place for all the different people of the Bundjalung people to come together. And I think that this is an important component of the IPC's considerations of the Minister's request for advice. And we're very lucky and, um, privileged to be here. And, um, we really look forward to the contributions over the next two days.

Um, so the Department... Luke and I will an overview of the STRA policy and some information around the industry and some statistics and the like. And then I'll provide an overview of the progression of Council's planning proposal, which is a subject to the IPC's review. So I'll hand over to Luke now, who'll provide an overview of the STRA policy to begin with. Thanks.

LUKE WALTON:

Okay, good morning, everyone. Um, I think there are some slides if, um, I'm not mistaken. Great, just moving forward. Um, and I'll, I'll skip forward, please just again. Um, Malcolm's gonna come back and cover this a bit later, so we might be a little bit out of order.

Um, look, I wanted to, um, just give you a little bit of a sense of the history of this policy at the State Government level a- and take you through the key components of the policy framework. Um, some of you will be very familiar with it, others, others not so.

Um, and I'll also give you a bit of a, um, I guess a, a, an, an opening sort of sense of what the statistics are showing us, um, um, here. So I'll go through that just at a really high level before I hand back to Malcolm.

So, um, there's been a, I guess, a lot of, um, attempts to regulate short-term rental accommodation over the years. But for the State Government, really, it kicked off, um, with a Parliamentary review that was done in, uh, 2018. Um, we have... we put, we, we put out a discussion paper and really tried to approach this reform, uh, in a, in a very broad sense, like, we wanted to... We didn't know much about the industry. We had no data, no understanding about where it was occurring and to what extent, um, so we put out some broad, um, discussion papers, say, "How should we regulate this, this sector?" Which has traditionally not been very, very well regulated anywhere in the world.

Um, we, uh, then start to refine I, I guess our thinking as we got that, that, those messages back. And we ended up going out again with some further, um, sort of more detailed and more targeted plans. Um, I just, I just wanted to show you this slide only, only in the sense that it a dis... it's been a discussion that we've been having across New South Wales with different parts of this, this sector for a number of years now. Um, the, the main sort of, uh, most recent dates to note are that the whole policy framework switched on in November 2021. So we've had a little over a year of, um,

operations, and I think that's important because it's, it's taken, um... We, we, we, we're into the second round of registrations. People have renewed their registrations, so we've get... we've got a, a... we're fair bit of new data coming in.

Uh, next slide. Um, whe- when we started looking at this, um, regulating the industry, there was obviously a lot of pressure on the government at the time. The real, the real focus was around party houses. Um, and the other, the other main driver, I think, was that councils were starting to regulate this sector in their own ways. Um, so we've got some examples all around the state where, where councils have, um, you know, forced people who were doing STRA to have, um, to do a, a, a rezoning of their land to make it a tourist accommodation, for example. Um, and we've got others where, where council DAs were required for, uh, houses over a certain size to do STRA. Um, so all of that sort of stuff was happening in, in a very sort of, uh, piecemeal way. So that was one of the government's main drivers was to try to get some uniformity across the state in terms of how we regulate STRA.

Um, importantly there, we've got a... I'll, I'll talk about the different elements of it, but we, we've. We've tried to sort of regulate, um, against all those sort of main themes that we were hearing. So next, next slide.

So, um, really, um, about probably halfway through the regulatory form process, uh, we had... I, I guess the issues of housing affordability really came to the, the full in the government's thinking and, and in the discussions. Uh, and we were, you know, we were getting a lotta feedback from councils and parts of the community that we needed to make sure that STRA didn't dominate the rental markets in, you know, in that particular housing market in parts of the state.

Uh, Sydney was obviously the focus, um, at the time. Uh, it was around, uh, how do we make sure that, um, we, we have ve- very low vacancy rates for rental and very high rent; how do we make sure that, um, in parts of the city, we didn't see a lot of properties switch to... from long-term rental to STRA. So part of the, the reform, which I'll talk about again in a minute, was about let's put in place a market base re... mechanism to try to encourage, uh, long-term rental, uh, to remain long-term rental. Uh, next slide.

So the different parts of the package. Um, so we've defined STRA in the planning system for the first time. We've created an exempt development pathway. So if you, um, wanna, um, undertake STRA in your residential dwelling, you can do so if you meet the, the various planning controls. So those controls do go to things like, um, there's some, there's some safety provisions and fire safety provisions, those sorts of things. Um, but also, the day cap is one of those things that fall... that, um, you must meet that, that development standard if, if the activity is to be an exempt development.

Um, so yes, I said fire, fire standards. Um, really, a big part of this reform, though, was to get a register of STRA premises up and running. Um, as I said at the beginning, we actually didn't have very much detail about the industry, where it was operating and what impacts it was having on housing, so, um, getting all, um, STRA operators to register their dwellings was a, I think, a, a really fundamental part of the government's reform.

And of course, we've got the mandatory Code of Conduct that's regulating not just the, the party houses but also the way that, um, that hosts, um, and anyone in, in the industry operates. And that, that Code of Conduct is managed by the Department of Customer Service, or Fair Trading. All right, um, next slide, please.

Uh, look, I just... Um, I do wanna, do wanna flag that, um, it has been a bit over a year. We've got a hell of a lot of data coming through on the STRA register. Um, one of the things to note, and I've sort of said... I've sort of broken down there for New South Wales but also Byron Shire. Um, these are the numbers that we have, uh, in the register. Um, I, I've had people say, "Look, those numbers are lower than we thought they were gonna be." Um, and I think when we were developing these regulations, people were talking about here being 60,000 or 80,000 properties across the state used for STRA. But I do wanna, do wanna say that what we, what we are required to be registered is, um, residential dwellings. So if you've got an approved residential dwelling and you wanna do STRA, you have to register. We are not capturing things like service departments or tourist and visitor accommodation in our register. Those things are already captured and, and regulated under local council systems.

Um, you'll see there the number for, for Byron as well as for New South Wales. So we've bro... We've got some stats. And these will all be publicly available. Um, about the number of non-hosted and hosted, uh, in Byron; just over 1,000 or 1,200, um, um, non-hosted STRA registrations. Thank you.

Um, something to so, to really draw out is, thought, that, um, if we look across the state, the number of, um, STRA dwellings, I guess, is a percentage of the housing stock is higher in Byron than it is elsewhere. Um, that's not... There's, there's... I guess there's pockets of, of density for STRA around the state; um, Byron is one of those pockets. Uh, and we can look at those other councils where STRA is a big, um, uh, has a big effect. But, you know, for example, then the whole STRA registrations in Shoalhaven, it's bigger than Byron, but it's a much bigger, uh, LGA with a much bigger housing stock. So, um, Byron, I guess, when you took it percentages wise, um, jumps to the top. Thank you.

Um, this is where they are in the Byron LGA. Obviously, um, the main center of Byron Bay is where most are. Um, but you can see those numbers then cascade down. Thank you.

Um, the... Um, this is now the side, um, uh, that's, that's really talking about, um, vacancy rates in all those L... in, in, um, in Byron. When I, when I say vacancy rates, it's... we use the census to work out whether or not somebody was in their, their property on census night. Um, there are lots of factors that go into vacancy rates, but as a general rule, uh, the vacancy rates, uh, including in all main tourist centers, are much higher than the STRA rates. Um, and that's, I think, because, um, you know, people have always had holiday homes in those areas, and, um, uh... or weekends. And they, they are vacant on, on census night. Um, that's a, that's a, that's a trend we see across the state, particularly on the south coast and the far north coast of New South Wales. Um, and the next slide.

Um, I'll, I'll hand back over Malcolm. I think, um, uh... Look, one other thing I wanted to, to say is that the register that does ha... give us a lot of information about the STRA industry in Byron and across the state, so we can talk about... We can, we can show, uh, you know, the numbers of registrations, the number of nights that people are renting it. We can, we can give the Commission information about, um, whether it's a, a property that's being registered by an individual, so a land owner, a mom and dad, or whether it's somebody that's being... a, a property's being professionally managed. So there's a lot of data that sits within the register, which I think is gonna be really key to providing an evidence base to, to inform the decisions here. Um, so that information is, um, is publicly available. We'll make some of this proactively available on our website. Um, and, uh, any, any further requests for some data, um, we can provide that. Thanks, Malcolm.

MALCOM MCDONALD:

Thanks, Luke. I'll give an overview of the, uh, the history and some of the, the data of the planning proposal itself. Eh, and this is one aspect that the minister's request to the IPC to provide advice on in relation to, um, whether the IPC in reviewing, um, the broader housing and rental affordability and supply issues affecting Byron Shire as well as, um, having a review of the individual proposal itself, whether the IPC pro... seeks to provide any recommendations to the Minister in, um, before ... um, whether or not the proposal should be amended, uh, in its... in the Minister and the Department's finalization of the proposal.

Um, the... So Byron Shire's been experiencing, um, significant housing and growth pressures in recent years. And I understand Council will talk through some of those pressures in more detail. And housing supply and housing affordability are, are really, uh, both are key, um, issue of policy consideration of Council and the Department. And there's a number of regional and state policies relating to housing and housing affordability and housing supply that the Department has, um... is, is seeking to over, to oversee and, and support its implementation, um, uh, a, as a mechanism to promote, um, greater affordability within the region.

But, uh, important to note also too, that the visitor and, um, tourism economy to Byron is also significant. Um, eh, in 2019, uh, there was about 2.4 million visitors, um, spent time in Byron. And that contributed about \$883 million to the local economy. So, um, seeking the balance, um, the relationship between the importance of the visitor and tourism economy to the shire as well as issues relating to housing aff... and rental affordability are a key component. And to an extent that is, that is some of the drivers that have sought to, um, have input to Council's preparation for and the Department's assessment of the planning proposal, which I'll talk through now.

So the planning proposal itself is, um... was prepared by Council. And it seeks to, um, f- find that balance, to street... to try to minimize the impacts of STRA, or short-term rental accommodation on the permanent supply of rental housing in the Byron Shire and it's imp... and the impact of, of the rental accommodation on the community, um, while also allowing and providing for a diversity of housing types and tenure types for, um, visitor accommodation within the, within the industry.

Uh, at the time, the, the state wide STRA policy was being developed, as, as Luke talked you through. Uh, a direction was established specific, um, to Byron Shire, which in us... in some respect acknowledged, um, that important role that Byron plays in, in the enormous contribution to the visitor and economy that is, that is established within... that is a, an element of Byron, um, through a, a direction that was established, which, um, enabled Council to lodge a rezoning proposal to depart from the, um, soon to be introduced state wide STRA policy. Uh, and the state wide STRA policy, um, provides a, uh, um... for, for all of, um, metro Sydney and, and certain regional councils and those, um, regional councils that elect to introduce a, a cap, a 180-day cap on the number of, um, nights in which a, a non-hosted property can be used for Airbnb.

So this Ministerial Direction that was established would enable Council to lodge a rezoning proposal to depart from that state wide policy to, uh, enable Council to introduce its own framework that would bring down the number of, um, non-hosted framework that would bring down the number of, um, non-hosted STRA days to 90 in certain parts of the LGA.

And that Ministerial Direction has really been to s-, to a large extent, the basis on which Council has subsequently prepared its proposal and the Department's undertaking, uh, uh, a review of that application.

Um, there are certain elements within the Ministerial Direction that are important. Um, a- and that is that, uh, there really, uh, it's i- it's important that there's a sound economic evidence base to

support any departure by the Council, who seeks to bring down the number of, um, non-hosted days below 180.

And also, particularly that the impacts of, of that reduction, or that proposed reduction, i- is carefully considered, having regard to the social and economic impacts, both for the community, as well as impacted property owners.

And importantly, the, the, the STRA policy that was established through the housing SEPP enabled Byron Shire a- additional time to, to prepare that evidence base, and to prepare that rezoning proposal before this state-wide policy would be introduced. And, and that period of time wouldn't, um, see the introduction of the state policy commence until, um, 31st of January, 2022. And that would enable Council to prepare that package.

So, the- this timeline here, I'll step through, um, to some respect, talks through the mechanics of Council's preparation. And there is a long history by Byron Shire of seeking to regulate, um, the, the rental market on, on housing. Um, the use of private housing for, for rental purpose is a longstanding practice within, within the shire, and the shire industry, particularly the use of online platforms of the l- a- and the like, have really commercialized to a large extent. Uh, and the pro- prof- proliferation, uh, of non-hosted STRA, and, and traditional Airbnb practices.

So, um, an early version of the planning proposal was submitted by Council in March, 2020. Um, it sought to introduce a 90-day, uh, cap throughout the shire, uh, and sought to exclude certain, um, types of land that would be, um, eligible to apply a, a non-hosted, um, STRA, um, a-, uh, p-, uh, application of the policy, such as for Council land and the like. Uh, there was some correspondence between the Department and Council, and Council then came back and, and formally submitted the planning proposal in, in, um, March, 2021. And it was that proposal that is really the basis of the Department's assessment of the application, and subsequent gateway determination. And that gateway determination essentially enabled the proposal t- to progress through the statutory plan making steps, um, including the need for public exhibition.

Uh, the Department introduced a, a series of conditions, uh, or, and requested amendments to the proposal before it proceeded to exhibition, uh, reflecting back to the Ministerial Direction, uh, and the importance for there to be a really sound economic evidence base, and an impact analysis was a, was a key request for the Department to do some more analysis. Um, and, and particularly then for that economic analysis to then, um, be considered by the d- by Council, and for any amendments to the proposal to be made in a l- in light of that evidence before the application progressed to exhibition. So, they essentially became conditions of the d-, uh, the Department's gateway determination that were issued in, in June, 2021.

Through the, the subsequent six months, the Department and Council then worked to prepare that economic evidence base. Um, uh, we, um, developed a joint methodology, a joint scope of works, uh, the Department and Council, um, co-funded, uh, a consultant to prepare an economic impact assessment. And that, um, that document was prepared, drafted, and, and ready by November, 2021. And that's the Urbis EIA, which, um, which is available on the IPC, um, documents and, and through the public proposal documents as well.

So, I won't speak to the Urbis document, but one of the recommendations it made is that, through looking at an impact analysis of a range of different options, uh, Council's proposal, the blanket state-wide approach, which is a, is a 180-day cap throughout the, uh, LGA, and a number of variations that, on balance, um, the Urbis advised and recommended that it was the default 180-day cap across the LGA, which was considered to have, um, um, a, a balance of, um, im- impacts both on, uh, detrimental impacts on re-, uh, rental property owners, and positive impacts o- on other

members of the community. So, f- subsequent to the completion of that November report, um, uh, Council commissioned a, a, peer review, uh, the Dr. Peter Phipps report. And, um, a- and that document sought to undertake a critique of some of the assumptions and the methodology behind the Urbis EIA report, and of- and subsequent to that body of work, um, Council the resubmitted the application to the Department, um, in March, 2020, and said, "Notwithstanding the EIA recommendations, the analysis Council's undertaken demonstrates, in Council's view, that the original application of seeking a 90-day cap, uh, is appropriate, with, with some identified parts of the shire that would not be subject to any cut, in effect that the 365-day, um, s- opportunity to let properties for non-hosted STRA would apply." So, that application was, was relodged with, with the Department in March, 2022. And at that point, uh, the Northern Rivers, uh, was really, you know, in the, in the immediate aftermath of the really devastating floods that, that had wreaked havoc through the community. Um, and in light of the flooding impacts, um, uh, the huge dislocation across the commu- the broader community, uh, and the, and the increased housing pressures that the area was facing, the Minister formed the view that it would be appropriate to enable Council to progress with the exhibition with its, its proposal as it sought, and not seek to amend it in light of that environment, uh, economic impact assessment that had been prepared.

So, that amended gateway was, was determined in June, twenty-t- 2022, that enabled Council to go to exhibition. And that version is, is the one that the community provided feedback on. Um, and that was the subject of, of really in-, um, uh, deep and, and, um, uh, broad public interest in the application. And Council may talk to that, um, that there was, um, Council's own assessment reports in review of the analysis showed just the broad range of views through the community, both private property owners, um, industries, um, and community members. Um, and, um, and, uh, it may in, in, in s- in part be reflective of that broad amount of community interest, the broad, um, stakeholder views that, that, that were expressed that, um, the Minister, um, considered appropriate, um, prior to the finalization of the proposal to a, in a sense, t- to pause the Department's, uh, completion of its d- of its appl- of its review of Council's planning proposal, and to seek some advice, um, from the IPC, to seek some advice whether it's appropriate for there to be any amendment to the proposal, but also to, to consider as broader policy and housing affordability issues, as I mentioned.

So, that essentially brings it to the end of the chronology as, as such. Um, um, we've been invited back to answer questions that arise through today and tomorrow, so, um, we'll, we look forward to returning, uh, tomorrow afternoon to answer questions. Thank you.

COMMISSIONER COAKES:

Thank you. Thank you to Mr. Walton, and- Mr. McDonald. And we will obviously be very interested in seeing that additional data from the registration system as part of this process. Any questions?

COMMISSIONER RICHARD MACKAY:

Yes, th- thank, thank you, Chair. And thank you to the Department representatives. C- could I just ask, um, uh, for a quick explanation of how the state-wide 180-day cap was determined in the first place, as it seems to me it's an important, um, benchmark in terms of where this whole process comes from.

LUKE WALTON:

Yeah-



COMMISSIONER MACKAY:

Thank-

LUKE WALTON:

... thanks, Commissioner. I was gonna go back to that, but I was missing a slide. Um (laughs), uh, so, as I, as I said, um, about halfway through the development, the housing affordability issue became one of the dominant issues for the government. Um, uh, we, the government was really keen to, um, not, not ban STRA anywhere, or not put in place, um, um, sort of, onerous blockages for STRA. They saw the value of STRA across New South Wales, and also there is a, uh, a, an understanding that, you know, people have always rented out their properties, and, you know, there's, there's a limit to, um, shutting down a, a valid use of a residential premises.

So, we developed a market-based mechanism, as I said, and the idea was to, um, put in place a day cap as a means to discourage, I guess, the long-term, um, rental sector moving all of their properties into short-term rental in, um, chasing higher rents. Or higher per-night rents.

Uh, so, so it was really, uh, that, that was a market-based mechanism the government started to go with. Uh, the 180 days, um, uh, it was, uh, uh, to some extent, arbitrary. Um, there was no, the only real science behind it was, um, us trying to calculate the sch-, you know, hol- the number of, um, weekends and holidays, um, and sort of working out if people are renting out their properties for STRA over the holidays. We didn't wanna, sort of, be too, um, onerous and block that from occurring. Um, and the government has said all th- all along that once we got the relevant data through the register, that we would come back and review those, um, day caps, and look at that f- in a, um, in each housing market around the state to work out what the right, um, levels needed to be.

So, it w- it was a careful balance exercise of the government, it was about, um, uh, making sure that we didn't stop STRA from occurring, lots of positive benefits fom- from that, um, to communities, um, and to homeowners, and the government was very cognizant of that. Um, but also there was that pressure on the movem- the, the potential movement away from the long-term rental of, um, um, market to short-term. And the government needed to have a mechanism in which to manage that.

So, once, once we, we, we gather enough data from the register, it's about, um, the government's committed to doing a two-year review to see whether or not we need to revisit the 180 days more broadly.

COMMISSIONER COAKES:

And Juliet-

COMMISSIONER GRANT:

... sorry, can I ask a s- a short follow up? You said you were going to review after two years, but is there a feeling now, after one year of where the, sort of, medium m- m- m- spot fits in that spectrum of, of the registered properties?

LUKE WALTON:

Um, uh, I, I would say that we've got a, a lot of really useful data. We're, we're pulling together now a methodology for a review. Um, so we're doing, we're, we're, we've got some consultants working on that at the moment. Um, I, I, I wouldn't want to say more broadly than that, because housing markets are very complex. And, um, you know, the, the extent to which STRA impacts the broader housing markets is very contested and unclear. So, we need to, sort of, um, uh, get the best advice we can before we can, can, you know, conclude where we should be going.

COMMISSIONER GRANT:

Thank you.

COMMISSIONER COAKES:

And just one further question, Mr. Walton. Just, what is the Department's view, obviously the planning proposal also, um, introduces the 365-day precincts, just wondered what's the Department's view on the, I guess, the combination of the precinct, um, approach, and the cap?

LUKE WALTON:

Yeah, I, look, I don't, I don't actually have a view on, on the policy concept there. I think, um, the, the main thing to note is that th- the, the regulatory framework we've established allows that to occur, and can facilitate that. Um, so we already have a few LGAs, regional LGAs that, um, map certain parts of the area as, um, 180 days, and lets 365 days happen elsewhere. So, that, that mechanism already exists.

COMMISSIONER COAKES:

Okay, thank you. Thanks, Mr. Walton.

LUKE WALTON:

Thank you.

LUKE WATERSON SC:

Councillor Ndiaye.

CR. SARAH NDIAYE:

Hello, everyone. Uh, and thank you so much for coming along, Commissioners. Uh, Jingi Walla, I'd like to acknowledge that we're meeting here today on Arakwal land in Bunjalung Country, and pay my respects to Elders past, present, and emerging. And extend that respect to the Minjungbul people to the north, the Widjabal Wia-bal to the west, Nyangbal to south, and any other Indigenous people that are amongst us here today. It's important that we hold central in this discussion that our native title holders have five house to live in in our whole shire. And perhaps we can use that as our measure of success, because these people are obliged through custom to look after this land.

My name is Sarah Ndiaye, as said, uh, I'm the Deputy Mayor. I've been on Council for seven years. I've lived in the area for the best part of nearly 30, brought up my two children here as a single mom. I've worked across a variety of sectors, including hospitality, and events and festivals, and journalism in radio. Uh, but the past nine years, I've been working as a high school teacher.

Today, I'm opening up community's case, I guess, to place some limitations on sh- short-term homoda- holiday accommodation. And I'm pretty nervous actually, 'cause that's a big weight. A lot of us have been fighting for change in this space for a very long time. Some here, over 20 years.

And we'll be presenting facts and figures around the issues, and the processes that have gone on to get us to this point, some of which you just heard about. But embodied in these statistics are stories. Stories of our friends and family that have had to leave. Stord- stories of students I've taught who've had to live in more houses than they have had birthday candles on their birthday cake. Because the housing insecurity in this area is diabolical for a lot of people, especially in the people with lower incomes, of which there are many.

We have stories of women and children sleeping in cars as they can't find places to live, over 400 people registered by the police at one point, he highest numbers of people stre- sleeping on the street. So, it is an emotive issue, and I apologize in advance. Uh, but we have to address this, and we have to find ways to regulate holiday letting.

We were always the canary in the coal mine. I remember going to local government, uh, assemblies, and pleading our case then in 2016, '17, '18, and people going, "Oh, why do you keep going on about short-term holiday letting?" You know, "We love it." And over the years, other councils coming to us, going, "Oh, wow, yeah, food tourism's really taken off in our area, and we can't house our workers. We can't house our nurses." The problem has been exacerbated over and over in the last few years, and it's come to a tipping point.

We've seen a f-, in the last Census, 42% of people were new to the shire, uh, and they've come from other areas i-, uh, in Australia and overseas, and a lot of the people who lived there that were displaced are friends of ours, musicians, uh, domestic violence workers, teachers, they're people I know. And there are many others.

Uh, and they're also the very reason that people wanted to come here, that sense of community, that sense of, uh, an alternative lifestyle. So, we're, you know, it's something we really have to value. And it, part of that business case even, you know, we need the community here to make it a w- place worth visiting.

I also don't want to fall into the trap of just demonizing STRA owners. These are people that also live in our community, some of them, not all of them, uh, and they've also, I guess, taken, uh, advantage of loops that have been left. But those loops have been there for ages, and we have been asking for them to be closed. And if those loops hadn't been left open, we wouldn't be in the position that we are now. Because people, of course, are gonna take advantage of the fact... And not only when we were calling for those loops to be closed, instead the government made it so that everyone in Airbnb started pay- had to pay tax, so it almost legitimized it. And the Federal Government's getting their bit, and the State Government is getting theirs through the higher turnover of, uh, you know, a higher turnover of s- stamp duty and properties. Uh, but the cost has come on our community. The social cost, and the cost of people not being able to get a home to live in.

I'm under no illusion that it's only STRA that's caused the housing crisis we face. It's a complex puzzle with many pieces, including a long period of low interest rates, negative gearing, sea changers, tree changers, people able to work from home more, poor rental laws that don't provide stability or longevity, and government policy that's seen housing go from being v- used as a necessity to a commodity for individual wealth creation.

But I would argue, for us, that STRA's been the biggest disruptor for us, that the part that nobody, including the Department of Planning, really factored in in the forecasts. And it's one aspect that should sit in the remit of local government to monitor and, uh, restrict. Because it's not the same for every community, and it, for our community, it's been really damaging.

Over 3000 homes, we've been able to deliver in less than 15 years. We've met and exceeded all of the regional strategies targets that we were asked to. And we have more approved and on their way. But there is currently nothing to stop any of those houses making their way onto the short-term rental market, and therefore there's no security, and more supplies not going to answer this problem. This loophole must be shut, and any ambiguity around what is and isn't legal when it comes to STRA needs clarity and firm, enforceable boundaries.

We know how difficult it is to get a rezoning in a residential area. It can take years, even a decades. How much thought goes into it from professionals, planners, Council, and community. There needs to be access to essential services, roads, schools, and transport, just some of the considerations. But nobody seemed to factor in that almost half of our rental stock in some of these rental, residential areas across the shire would become businesses. Nobody said yes to that. They're not homes. And people who are on holidays are always going to be able to pay more for the very same things that we need when we live here. Residents can't compete.

The challenge is that the people on one side of this argument are generally pretty cashed up. Many of the businesses are people with time... many have businesses, and people with time and money to fight these changes, and the people on the other side are often residents struggling to pay high rents, people displaced from their communities, or competing for the very available homes available to long-term rent. It's not a fair fight.

You'll hear really good arguments, I'm sure, being spun on, uh, or constructed around the paid employees, by paid employees who'll talk about dramatic job losses, and inflated figures spent by visitors, but none of these seem to factor in the flip side of that. The jobs that can be filled locally, the nurses, teachers, shop assistants, and support workers who can live here in their community, or the money that they will then be spending as residents, all year round, and more than just going to Woollies, the bottle shop, and a few restaurants. So, let's get started on this presentation. We have a population, our latest data shows 36,000 people, there's 16,000, almost 17,000 dwellings, uh, and 24%, uh, were unoccupied or visitor-occupied at the last Census, compared to the average of 13.6. our biggest employer in the area is actually health and social assistance, with nearly two and a half thousand jobs. The median income, \$1,600, uh, which is less, about \$200-odd ... dollars less than the New South Wales median. And it's not evenly spread, if you were to look at that. A lot of people earn less than that.

Uh, the median rent, \$520 per week. And I must say, I h- I c- don't know a- a- anyone, really, that's paying \$520 as a, a single person. Most, uh, like, if there's two people, it's generally quite a bit more. Uh, we have 70 community housing, 200 social housing, and 221 counted rough sleepers between, uh, compare that to Sydney, capital city, where they had 225.

So, that latest Census data, uh, gives us almost, like, 24% of d-, our dwellings that were used for either visitors or unoccupied. That's a lot. Especially when you consider about half are owner-occupied. So, it reduces our available rental stock dramatically. Uh, next slide, please.

So, we've seen the touristification, the transformation of our residential neighbourhoods that we had Christmas parties in, uh, regularly, and people who now live streets away from here, uh, that had, you know, street cricket matches. Uh, they speak now of having, you know, almost no neighbours. It's a, it's a very different, uh, e- environment than it was 10 and 20 years ago. The

people that were talked about earlier in the presentation who've always rented out their houses over the summer, they generally lived here. So, they weren't actually taking holiday stock out of the market, I mean, rental stock out of the market. It's a very different place than it was 20 years ago.

The decentralization up there, the tree changers, sea changers, and workplace changers we talked about earlier. Um, and that standardization, this idea that where, somehow, one policy can suit a whole state, where some people are desperate for more visitors. Some people really want that tourism dollar coming into their area, and other places need to find more of a balance. Uh, we definitely fit in that charac-, uh, category.

So, we're seeing there, an increase in, uh, gentrification and displacement. And that's leading to our community really desperately interrupted. And that was before Covid, and before the floods. Uh, next slide, please.

So, we've had our perfect storm. We've had poli- we've had lots of activism around this, we've had a celebrity presence, and Instagram, building on, I guess, a, a, a vision of this area that was already there somewhat, but it's been, uh, but we've been discovered, uh, even more so. Tree changers, people able to move here, uh, and then we had the Covid pandemic and the floods. So, this has brought, uh, yeah, a lot more of a issue to our region in this area.

Now's also, in that sense, the perfect time to make some changes. Because our visitor numbers are down. They're, th-, you know, compared to, uh, if you compare the 1.28 at September 2020, c-, uh, compare that to the 2.59, uh, previously in 2019, we, we have an opportunity here to redirect our housing stock in a way that is gonna support our community. Um, next slide, please.

So, what you're seeing on the television, on those shows, those sh- where they take Byron houses and exploit them (laughing) and turn them into some, uh, you know, multimillion-dollar dream houses for people, uh, and then, you know, Instagram, and Byron Baes, and the [inaudible], and the festivals, and the beautiful atmosphere. You don't see what many of us see, which, you know, after the floods, uh, I went door to door in a lot of areas in Mullumbimby, and there's a lot of people where I live that live very simple, normal lives in very simple, normal houses, uh, that work at your fire stations, and, or they're retired, uh, pensioners that have a house that's gone up in value, but they don't have any money to spend on it, or... you know, we're not all that. We're a broad church, but there's a lot of people that live, uh, in, in struggle.

And I, you know, I see that, definitely, as a teacher as well. You see that people's experience living here is, um, different to, I guess, the show-polished version, uh, that goes on TV. Let's have a look a- at th- our next slide, a- and hear from one of our local residents. Uh, there's a video embedded in there-

ILONA HARKER (VIDEO):

I knew that a- at any point, it could get taken away. We've, like, we moved lots of different times. But I didn't think it would be that hard to find a house again. I didn't, I cou- I didn't imagine that w-, you know, when I was earning great money, and when I had, um, a, a, a stable job, and, you know, that it wou-, uh, that I would be living out of my car, and all my stuff be in storage, in a storage shed, and I'd be couch surfing, and staying, um, with, with friends. I imagined it may be like that for a few weeks, but not for years.

Hi, my name's Ilona Harker, I'm 43, and I'm from Brunswick Heads. I st-

CR. SARAH NDIYAE:

Oh, you just got that clip? Okay, so the piece goes on and talks about her journey trying to find a house after her landlord wanted to put the rent up \$70 or \$80 a week. She had a son, and it, the, the ramifications of that, and actually, quite a few of us here know Ilona, um, d- on her ability to work, mental health, um, you know, i- it's, it's, it's hard to really quantify what having a house means. But we know that everybody needs one. And that really needs to be taken into consideration in this discussion.

There's also, up there, uh, the story of, uh, a 72-year-old woman in Byron Shire who, in October, the rent doubled, uh, and she hasn't been able to find another rental since. And she's still without a home. And she also went on to live in her car for a while, and continue to couch surf. Nobody wants our Elders to have to do that. Next slide.

Uh, so as I said earlier, we have the 221 rough sleepers that were counted, uh, and Sydney having 225 with a, obviously, a much larger population. It's the second highest number of people experiencing primary ho- homelessness in the state. 221 people sleeping rough, compared to that in Sydney, and we anticipate that that will soon, um, be the highest, unfortunately. And that's, again, being exacerbated because of the situation with the floods. Everyone has a fundamental right to safe and secure housing, and we're just not seeing that acknowledged here.

Our rough sleepers, primarily homeless, uh, without a roof over their heads, living on the streets, sleeping in tents or cars, and impr- improvised dwellings. The, uh flow-on effect of that, on mental health services, on public space, um, this sort of c- poverty causes, is one of the biggest drivers... the system causes this, the poverty is one of the biggest drivers of homelessness, unaffordable rents, lack of social housing, lack of adequate welfare support for people at risk, violence and trauma, mental health, and psychological, uh, issues, and relationship breakdowns, all exacerbated by this.

So, there's 1434 homes that we're aware of that were impacted by the floods in February and March, 2002. Uh, so the pressure on our housing is enormous. Uh, the next slide, please. Though, you may have seen, there was a, a, a show on the ABC recently, uh, Under Cover, and it looked at the women over 50, uh, who are our fastest growing cohort of people experiencing homelessness, uh, and quite a few people, uh, featured in that were from Byron. And that quote there at the bottom, "I'm not homeless, I've got a home, it's Byron. I just don't have a house."

We have, uh, this idea that's often said, "Well, why don't you just move away?" But actually, the flow-on effects of our housing crisis are such that even getting a house in Casino, or Uki in Murwillumbah, or Ballina have gone up, uh, enormously because of that. And we have a lot of, uh, local workers that are having to drive ridiculous distances, when they should be able to live and work in their communities. Next slide, please.

This issue became even more, uh, I guess, highlighted by the fact that it, key workers became more and more affected. Um, and you can see here, the list of our top 10 industries, healthcare and social workers, and accommodation, and the food and tourism industry, retail and trade, education and training. Um, so, with healthcare offering, you know, two and a half thousand jobs, um, and research showing that there's 13% more jobs than there was 10 years ago. Uh, so we need to secure housing for key workers, and the most vulnerable in our community.

There's fewer long-term residents, means less need for services which impacts viable schools and essential services. But this showed itself, um, with, you know, businesses having to have reduced hours over the holiday period. Um, I know my son came down from Brisbane, where he'd been at uni, to work because, uh, somebody I know whose restaurant wasn't gonna be able to stay open. They were paying, you know, 50 bucks an hour to wash dishes (laughing) because they couldn't

find people that could live here that could do those jobs. So, um, you know, this is affecting everyone. Next slide, please.

So, the businesses, they can't attract or retain staff, uh, 'cause there's nowhere to live. I've also seen this in teaching, where people have taken jobs, they've moved up here, but not been able to find anywhere where their families have been able to move to, and they've subsequently to leave their jobs. And teaching's a fairly well-respected profession, comparatively across of the, uh, you know, I, I would argue not paid enough, but (laughs) quite well-paid. But p- teachers can't find places to live.

So, um, 18% of businesses did not have sufficient staff in April of last year. The quote there, "We've got staff who've been pushed out of their current accommodation and are trying to live in vans or couches to make do." We had some business owners moving out of their houses to make room for staff so that they could keep their businesses open. Others that have been able to, actually looking to purchase houses so that they can ensure, uh, staff into the future, because they had come across this problem over and over again. Next slide, please.

So, we have, um, I guess, a graph here to show just how many people are living w- in houses where they have to spend more than the recommended 30% of your income. Um, and as you can see, it's quite a lot. Uh, these... it's combined data over different dwelling types. So, you know, when I was looking into this, it's quite hard to see, um, the extent of the problem. But, you know, it's, it's really... My anecdotal evidence from people that I know that pay rent is a lot more than that, actually. Have to pay more than 30% of their income. But that's what the stats are. Next, uh, slide, please.

So, the housing stress in Australia, housing stress is higher than the New South Wales, in, than in New South Wales and in Australia. So, we're looking here at, uh, the houses not in stress in Byron being, uh, just under 40%, in New South Wales, that being 56%, and Australia-wide, fifty... New South Wales, that being 56% and Australia-wide 58%. Um, households in stress, it's over 50%. So and comparing that with 35 and 32 for New South Wales and Australia. Byron LGA rental snapshot revealed a serious local rental situation in January 2020, of the 92 rental listings, only 13 or 14% were affordable to moderate income or, uh, less households. March 2002, there was no improvement to supply and finding an affordable home in the private rental market is a complete fiction for people on low incomes. That's coming from Anglicare who do their regular snapshot, and in some of their snapshots for people who are on the pension, uh, or, uh, single parent pension often in the years that look says nothing available in- in this region.

It's not only about supply. Can we go to the next slide, please? It's about how it's being used. So, 26% of dwellings are used for long-term rentals. 1.5 of these are in secure long-term rental such as Community Housing providers. There's bonds held by the Rental Bond Authority and they've remained relatively stable since 2017. So, and that's a really quite an interesting figure there. You can see that the, you know, 2,959 and just up to 3,000 now, so there actually hasn't been a lot more houses on the long-term rental market in those years, despite all those houses that we've been providing through, um, you know, the approval of DAs and and re-zonings. Uh, not enough is making it onto the ground, uh, and making a tangible difference.

So, importantly, housing supply, it's increased, as said earlier, 3,356 in the last 15 years, but that appears to have had really a limited impact and 20 perc-, uh, bonds, they remain the same, eh, but when you look at those figures at- from inside Airbnb or AirDNA at it's peak, the similar amount of houses were actually available all year or 80% of the year on short-term letting the figures that we see and that we've spoken on earlier that are gone into the register, I mean I know if that have a

post floods. Some people that were STRA operators have taken longer term leases to accommodate people who were flood victims and so they're not appearing. Um, we're also in a downturn in that market, so I think when we're looking at these we really have to look at how damaging it can be not just where it's at right now, um because, to me, that registers not necessarily a reflection of- of what's gonna happen

Uh, next slide please. So, the amendments to the LEP and DCP controls to enable more affordable housing are- have been many and we've been working- so this is one aspect of things that we've been working on but we've trialled dual occupancies on rural land, secondary dwellings and dual occupancies on CTs and Mos, that's just recently. Affordable Housing Contribution's policy and we're the only people in this state to have gotten that. Uh, we're the f- uh, also investigating the capacity for re-subdivision within our five residential lots. Diverse housing clauses in residential one zones in progress, so they're just some of the things that we've been working on. We also, in previous council before I was on there, reduced the fees for putting secondary dwellings. But, again even though people had signed to say that they wouldn't use those for short term holiday accommodation, when it turned out many of them did and we really didn't have any teeth to stop that happening and so we really need policy with teeth that allows us to make uh, enforceable law-enforceable laws that provide more housing. Not just things written on paper. So, next one. From home sharing to hote- home hotels. 14% to 23% of dwellings used for short term rental. Um, STRA's reduced due to COVID and the pandemic. We've talked about these things. Um, our numbers are down. Some investors have moved into their investments during COVID to work and live. Some are currently used for flood victims and some investors are watching and just waiting to see what happens here. Um, and I think you know even the discussion that's gone around this has had an impact and I'm hoping that we can see even more of an impact, so that we can get some houses back into the market. We know it's not a perfect system. Council's left with very limited levers to actually deliver housing, let alone affordable housing, so you know, we're looking at whatever levers- and we have been looking and investigating any levers that we can to help deliver what our community desperately needs.

Uh, the idea that the tourism- uh, tourist economy is gonna be wiped out, I think really needs to be challenged. Um, tourism and hospitality sector is our third largest employer of 1,974 jobs. Total tourism sales, uh up there for you, two- what is it? 249.8 million, but STRA's only one part of that tourism and hospitality sector and we have a lot of people in that sector that have worked really hard and paid a lot of money to comply with all the regulations that are required of them, whether they're safety regulations, zonings for bed and breakfasts, um hotels, motels, camping areas, we have lots of areas that provide accommodation uh, and they have, in a sense, had this disruption where people have been able to wrought the system and not have to do all the hard work that those uh, you know, registered tourist accommodation has had- been able- had to do.

Some uh, so the the number of STRA properties on the register changes on a daily basis uh, and the properties are registered and de-registered and blocked. Some haven't paid their fee, of course so they're not showing up necessarily. I've, you know, there's very conc- there's concerns around how the register can work and you know what- what we were fighting for was very much something that we were going to be able to regulate because we know how hard it is on the ground to actually prove someone's doing something um, and if we're not getting the registration fee and- and there's loopholes in the way that the registration works, um, it's- it's doomed to fail when it comes to compliance. Also, really looking at what the- what the fine is.

If the fine for not complying is only as much as one night's accommodation, or two night's accommodation, across a year, it's really um, how affective is that really gonna be? We have to,



you know, look at these things and take those into consideration when we're looking at a system that we're hoping to regulate this market. Um, so development applications that we've improved more recently, there's Marvel Straight that has visitor accommodation, that's 29 room motel. Johnson Street's 41 service apartments, habitat, 12 service apartments for long stay and 94 hotel units. So, it's not like we've been sitting on our laurels and not actually doing what we can to deliver. Uh, tourist and visitor accommodation that is gonna meet the needs of these visitors that we've uh, been discussing.

Next slide, please. So, as you can see the Department's snake sort of started in 2017. Our's starts in 2003 of how long our community has been challenging and trying to fight this issue to make it a more equitable playing field for our renters uh, and so, obviously I've just got the bell and don't have time to go into any more detail on this, but uh, people have been working on this for a very long time uh, the ambiguity on- it has been detrimental to our community and we need surety, and we need it as soon as possible. We need enforceable uh, r- restrictions that can help deliver some housing back into the housing market for our long term residents and uh, renters. Thank you very much.

COMMISSIONER COAKES:

Thanks Councillor, um Ndiaye. I hope I've pronounced that correctly.

CR. SARAH NDIAYE:

Ndiaye, you gave it a good shot.

COMMISSIONER COAKES:

N- N- Ndiaye, okay. Thank- thank you. And also for sharing those very personal stories and highlighting some of the social impacts being experienced at a community level. So, um, any questions from?

COMMISSIONER MACKAY:

Yes, I would.

COMMISSIONER COAKES:

Yes?

COMMISSIONER MACKAY:

Thank you Sharon, thank you Councillor. Uh, would you mind, just on behalf of Council, very briefly, just explaining why the change from 180 cap to 90 cap is going to have the effect of increasing the long term a- uh, uh, accommodation, given- given that renters going after 90 days are very likely to target school holidays and summer. So, how does it increase the rental supply, please?

CR. SARAH NDIAYE:

So, I guess if you're looking at this as a business uh, prospect and you're the person with the uh- accommodation that you have the choice of whether you put it into the long term market or you're putting it into the short term rental market. 90 days is only gonna address your summer holidays,

really. Uh, and as we heard from the Department, the uh, alternative offers you every holidays and every weekend, so it really doesn't give you any incentive to not have your uh, property in the short term rental market. We need things that are gonna squeeze the business case. Often there's just- it's not actually that big a difference when you take into consideration the cleaners, the advertising, all those things. Um, you know and if someone's not gonna be able to rent it for half the year, only 90 days, well- well that- well- well as we saw in the results from the Urbis report, there- there were quite a number of people that were going to from that, put their houses back into the market.

Uh, into the short- uh, long term rental market uh and much more so, that- that really, 180 gives absolutely no reason for anyone to do that.

COMMISSIONER MACKAY:

Thank you. And- and the second question, if I might. Um, so between three and four thousand new residential dwellings since 2006, but on the numbers in the presentation, these are not flowing through um, effectively into the long term um, rental market. Is that because they are either occupiers or because they're being used for STRA? Does Council have any data around-

CR. SARAH NDIAYE:

I might just-

COMMISSIONER MACKAY:

The- the non flow through of- of-

CR. SARAH NDIYAE:

Invite Shannon up-

COMMISSIONER MACKAY:

those new residences, please.

CR. SARAH NDIYAE:

Uh, Shannon Burt, the Head of Planning, in case she can answer that more specifically. Mine would only be sort of, what we've seen, but, yeah.

SHANNON BURT:

Um, thanks Commissioner. I am Shannon Burt, I'm from Byron Shire Council.

AUDIENCE:

Can't hear you.

SHANNON BURT:

Yup, sorry. Yeah, just with regards to that, I think there's a mix of issues in terms of the flow through, but as you can see from the bond um, figures that we've provided there, there's just been no movement in terms of the bond data, so we're relying on that um, in terms of what- what's being taken up for long term rental and then we're correlating that with the data that we're getting from

our short term rental accommodation monitoring through those three other sources, so in terms of that information, we probably need to drill down to respond probably more clearly to your question.

COMMISSIONER MACKAY:

Thank you, Miss Burt. I mean, I- in- in- invite um, Council to do that in that clearly- clearly the um, the bond data is showing it's not flowing through. But my question is, does Council have any data that shows that going to STRA, rather than to unoccupied residences, please. I think that would be very useful for the Commission.

SHANNON BURT:

Agreed, and I think that's the difficulty that we face as a Council, as other local government does at the moment with the data sharing situation, in that we have put out requests to have data properly shared with us from the platforms. They're not willing to share that data with us. We have serious reservations about the registration and we'll be putting that in writing to the Commission in terms of our understanding of how it should be working, but in actual fact, how it is working. So, I think, there's a little bit of um, you know, information that we need to- to provide to you to address those issues and our concerns because data, at the end of the day is critical if you're actually monitoring and understanding what's happening in real time and again, I think the Department and everyone struggles with at because there's no truth in data at the moment. And that's something we need to really land dwell.

COMMISSIONER MACKAY:

Thank you.

SHANNON BURT:

Thank you.

CR. SARAH NDIAYE:

But I would say, the proliferation of short term holiday letting is evident, you know, because of the rise of those platforms. We've seen it, so um, uh, and the streets that you drive through that have, you know, don't have lights on at night and only do in the holidays. We- we know um, what's happening in our community, but yeah, finding that data specifically um, we'll get started onto it.

COMMISSIONER COAKES:

We've got one further question I think.

COMMISSIONER GRANT:

Yeah, yeah, thank you- thank you for that presentation. Um, you didn't really touch on the- the precincts. I wonder if you could briefly explain how Council selected- or, and I know they've been amended over time through the course of the planning proposal, but how the precincts were identified?

CR. SARAH NDIAYE:

All right, so. I- I- I guess where we landed from what we asked for initially to where we've come to has been a big compromise. It was definitely not what I personally thought was necessarily going to be- give us the best outcome. But, over time, I've come to appreciate it more. Um, we understand that there kind of needs to be some give and take in this discussion and that there were areas that already were overrun with short term holiday letting, so in a sense, it was allowing those precincts to continue to walk right in the way that they do um, and the pay off being that more of Shire becomes available for residence. Thank you.

SHANNON BURT:

Thank you very much.

CR. SARAH NDIAYE:

Thank you.

LUKE WATERSON SC:

Michelle Wallace is our next speaker.

MICHELLE WALLACE:

Commissioners, I acknowledge that we stand today on the land of the Arakwal people of the Bundjalung Nation, and I give my respects to our Elders, past, present, and emerging. My name's Michelle Wallace, I'm just an ordinary citizen, and um, I have been in this area for 25 years, in Byron Shire, and 20 years before that in the wider Northern River's Area. I'm supporting the Byron Council proposal. Particularly, I wish to address the 90 day cap, but I do acknowledge that a great concession has already been made to um, the STRA lobby in bringing in precincts. Um, it was something that was discussed many years ago, discarded, and I'm actually glad to see it back on the uh, in the proposal.

I'm going to address two main reasons I will be giving uh, a much more um, detailed uh submission that is fully referenced with academic references. Um, first STRA negatively affects neighbourhood amenity and has done so for years and also effects the social cohesion of our communities. There is independent research from around the world, Australia, and Byron Shire that documents this negative impact on residents in terms of particularly, excessive noise and weakening of neighbourhood connections.

I'm going to go very personal now. I and my family have been directly, negatively impacted for over ten years by the loss of neighbourhood amenity caused by STRA. I live on a street of 28 homes. Two became STRA and guess who was living in the middle of them? So, that became almost a nightmare at times. Um, in terms of excessive noise, additional bodies coming into um, the houses, well over the number who should've been accommodated there, all night parties, and so forth. Complaints to owners or managing agents were very rarely heeded. Now, one of these homes continues to be an STRA with ongoing issues.

Two or three of what we call holiday dogs barking for up- up to six hours a day. A youth, I mean this happened quite recently over the Christmas period, jumping from the first floor veranda into the swimming pool with all the hilarity and noise and yahoing that went with it. The current discourse from the STRA lobby is that residents like me are vexatious complainants and we are positioned as silly, old people. You know, we're not with it anymore. And I think that is what keeps a lot of people from speaking up.

The code of conduct, which we welcomed although flawed, is clearly not working. Either it's not explained to the tenants by management or is ignored by them. There is, from my experience, very little compliance. The noise hotline operates on restricted hours. So residents such as myself have very little room to move in voicing our concerns. My second, uh, reason for supporting the proposal is the decline in available housing and you've heard from Sarah very eloquently and with statistics um, the reasons for this. As a Justice of the Peace, I'm regularly called on to sign documents for people, to certify copies and so forth and it is increasingly the matter that I'm doing it for medical professionals leaving the area, getting jobs elsewhere.

The decline in housing for rental also disproportionately affects women and children. In the past decade, there's been extensive research indicating that women over- over 45 are the fastest growing demographic experiencing homelessness. Add to this, women single parenting families. As an active volunteer of the Bangalow branch of the country, Women's Association of New South Wales, which has housing vulnerability as one of its main focuses, I'm witnessing the housing crisis in the Byron Shire firsthand. Our member's support, through financial and in kind donations, women and children experiencing housing vulnerability. To the Shift Project, Women's Village Collective, a number of community groups, we are there supporting them. Please note that I'm not even mentioning the great housing needs of our flood evacuees. I will leave that to others, but a recent Southern Cross University survey shows that very graphically and is worth reading. Given what I'm witnessing daily, I suggest a 90 day cap offers a sensible option to increase the amount of rental stock available. It is also the right thing to do.

COMMISSIONER COAKES:

Thank- thank you very much, Michelle, and we look forward to receiving your- your submission. Any questions from here? Oh, no, thank you.

LUKE WATERSON SC:

Mandy Nolan is our next speaker.

MANDY NOLAN:

I'd also like to acknowledge that I'm speaking today on Bundjalung Country and to acknowledge Elders, past, present, and emerging. I'd also like to um, thank Michelle and to- to thank Sarah for their presentations and to- to let you know my name is, as you know, Mandy Nolan and I'm a mother of five who's lived in this region for 35 years. I know, I don't look it. Um, and in that time, I've also- I'm speaking to you from the perspective as the chair of the Women's Village Collective. I've also written for The Echo, which is an independent newspaper for just over 20 years, of which, I have been writing about the housing crisis for 20 years and in that, would like to also acknowledge the work that um, our ex- mayor Jane Barham has done and that so many in this community have done continuing to raise the conversation, to talk about the need for regulation, and to talk about the need to protect the community who are the cost, the human cost of those who are profiting from short term holiday um and unregulated short term holiday accommodation.

We're one of those communities where in a regional area, we have seen you know, community- it used to be, the community lived in the houses and the people came and had holidays in the caravans. Now the best we can hope for, for our staff and for the people that live in our community, is that perhaps we can live in a caravan while people can have holidays in the houses that have been approved by our Council as residences. Not as commercial premises. So, that's where I stand. Um, our- the Women's Village Collective was established in 2021 in response to the impact of

what was happening in this community from the short term holiday um, unregulated short term holiday rental and the impact of COVID.

We were seeing more and more women, women with children living in their cars. One woman was living with her child in um, the premise where she worked. Another older woman in her 70's um, to date, had spend 1,000 days in her car. Someone who was formerly in a rental. One woman also, who I work with ironically, 'cause one of- one of the messages I know that comes from the STRA lobby is about the- the loss to the- of- of- of- to the economy through jobs. This woman managed ten properties and she was homeless. Ironically, she wasn't making enough out of the money she earned from managing ten property- properties of non-hosted um, dwellings owned by- those percentage of owners of which there's something like almost 60% of the non-hosted dwellings are owned um, have more than one dwelling. You know, and many of those are owned by people that do not live here.

So, she's managing that, but also contacting our service because she was in housing distress. And that continued for well over 12 months. We are looking at- I was looking at the figures um, interestingly um, the breakdown when you look at the housing needs here. Um, according to state um, data in the Byron Shire, we have six social houses. Um, well done. And we have the most unaffordable, affordable housing in the state. That has been set about by the impact of short term holiday letting reducing our availability, driving up unaffordability, and impacting what is supposed to be affordable and isn't. It's why a non for profit, like the Women's Village Collective has had to be established to protect families and to protect women and women led families and their right to having safe and secure housing in this community.

These women are people who are in housing stress who have never been in housing stress before. They have had long term leases. They have jobs as teachers. They have jobs cooking in cafe's. They have jobs in this community. This is- these- these are not people who are used to being in distress. These are the problems that have occurred in this community. I also ran as the Green's candidate in the last federal election. We did 6,000 face to face conversations with people. Every door we opened in this region told us whether they owned their home or not, their biggest concern in this region is housing. That's from the- that's from the people who live here. I support the Council's proposal. It's a compromise. I don't personally believe it's strong enough, but I think it's a good compromise and it's somewhere to start regulating to protect our community. We need it. Thank you.

COMMISSIONER COAKES:

Thank- thank you, um, Ms. Nolan. I- I would strongly encourage that if there is any additional information, um, that you can provide to us as part of your submission, um, obviously some of the- the um, information you spoke about through the Women's Village Collective we would really like to see that. Thank you.

Okay, well I think we're about ready for a morning break. Um, and I think we'll be returning at about ten to 12, please, thank you.

LUKE WATERSON SC:

Next speaker is David Henry.

COMMISSIONER COAKES:

Thank you.

DAVID HENRY:

Thanks very much. Uh, uh, t- uh, a good morning and thank you for the opportunity to talk. And thank you for accommodating the time change. Uh, I'm David Henry. I'm a specialist physician, uh, clinical epidemiologist by training. I am a volunteer fire fighter. I'm currently president of the Byron Bay Rural Fire Brigade. I'm not speaking on behalf to the brigade or the RFS. I'm speaking, uh, as a individual.

Observations made over about five years of fire-fighting and the impact of long-term rental, and the following long-term rental, on our ability to respond to emergencies. While I've been here there's been a call-out. Uh, I had my phone on silent Uh, neither the Byron Bay Brigade nor the Lennox Head Brigade were able to get the trucks rolling, and this is an increasing problem. When I joined the, uh, Rural Fire Service in 2018, we had six senior field officers who were capable of, uh, qualified to lead a crew and drive a large fire truck. We now have two, uh, one of whom is going on medical leave, and the other one works full-time during the day. So, you know, let that sink in. This is a front-line emergency service. You may feel, "Well, I don't live in an area with bush fires." We do grass fires, we do bush fires, we do structure fires, we do vehicle fires, we do trees down, we do power lines down. Uh, we deal with floods, we deal with fuel spills, we deal with a sundry of other problems, uh, including children and, um, pets in cars. We're very good at breaking car windows.

Um, this is a 365 day a year commitment. It's entirely volunteer, unpaid service. Um, it relies on individuals being able to afford to live within reach of the fire station. The fire station is in Alcorn Street in Suffolk Park. I own a property there, co-own a property there, and we're 400 meters from the fire station. Uh, Alcorn Street is STRA central. Uh, uh, a, a real hotspot in, in Byron Bay as you probably know. We, uh, we had our property in STRA for two years when we were overseas and we came back and that's, uh, when I, uh, joined the fire brigade. And the, uh, uh, we, the struggle we're having is not getting new recruits, it's prev- and, and training them. We've got means to do that. It's to achieve a level of seniority in training that they can run an incident, they can crew-lead, advance firefighter, drive the truck. It takes time to do that, and people can't live in the area, we're finding, for long enough to enable this to happen.

A recent example. We had somebody we thought was going a, a answer to some of our problems who is dual-qualified for fire and rescue, and for, uh, rural fire, who is also a medical intensive care specialist, coming on a six-month term, medical term to the Northern Rivers, who then was wanting to be within reach of a fire station because they can crew-lead and drive a truck. No accommodation was available. We've not been able to access the services of that individual. It's a cheap shot, I, I know, but it's time to correct it. If you want to have a big bucks' night or hens' night party in Alcorn Street, there are some large rental properties you can, you c- you can pay for and hold that event, but if you're an essential services worker and a medical intensive care specialist wanting six-months rental, it's not available to you. Uh, this is almost dystopian, uh, the way that this, uh, is evolving. And this is affecting other emergency services workers. Uh, marine rescue, SES, and so on. Uh, I won't go through the list but, also, retail workers. Uh, healthcare workers, age-care workers, childcare workers, teachers. It's undermining fabric of our society.

Uh, now, uh, I'll close by saying that a- although I'm a medical doctor, I, um, was, for some years, the chair of the economics committee of the pharmaceutical benefits scheme. I, I wrote the original guidelines for economic analysis for pharmaceutical products. These are the submissions from international manufacturers that had to make a case for the listing of new drugs on the schedule of pharmaceutical benefits. That was an economic case. They required, and we required them to, and the federal government then, and still does, require that they take a societal perspective in their

analysis and they had to be conducted on that basis. And my h- my great hope is that, uh, your advice to (laughs)... to the State Government is that, similarly, a societal perspective has to be adopted here so we can maintain essential services in our community. Thank you very much.

COMMISSIONER COAKES:

Thank you. Thank you, Mr. Henry.

DAVID HENRY:

Sorry, I've realized you might have questions. Is it too busy to try and get away? I apologise-

COMMISSIONER COAKES:

Any, any questions from...

COMMISSIONER MACKAY:

Not from me.

COMMISSIONER GRANT:

No. Thank you.

COMMISSIONER COAKES:

Thank you. Thank you very much, Mr. Henry.

LUKE WATERSON SC:

Um, next speaker is David Wallace.

DAVID WALLACE:

Good morning, Commissioners. Um, my name is David Wallace, and my interest in this is that I want to protect my community from excessive impacts of STRA, and I've been at it probably for about 10 years. Um, before I commence my talk, I just want to c- uh, clarify, um, something that Professor Mackey raised with a question to Luke Walton earlier on. That, um, in the question he said, uh, "State-wide 180-day cap." Uh, can I point out that 180-day cap only applies to Greater Sydney, um, Byron Shire, Ballina Shire, certain parts of the Clarence Valley, and certain parts of Muswellbrook Shire. Thank you.

I've been a member of the Byron Shire community for 26 years, and I've observed and experienced the increasing negative impact of STRA on our community. I support the Byron Shire Council's planning proposal to have implemented a 90-day cap on STRA in certain residential zones. I also p- support Council's 365-day precincts which are regarded as tourist hotspots. The Byron Shire community has many things in common with thousands of other communities that are resisting the negative impacts of short-term rentals. I would like to present the, to the Panel, some issues about non-compliance by STRA. First, I will raise concerns about the content of two documents on the IPC website. Both documents written were written by A Perfect Stay representatives, who are the two main protagonists against Council's 90-day cap proposal.



The first is an email written by Sarah Workman to Planning Minister Anthony Roberts on December the 6th. A Perfect Stay, sold to the Alloggio Group on December the 1st, is the largest STRA management business with a booking engine in Byron Shire. Ms. Workman stated Tourism Research Australia in ABS data that was commissioned, "\$267 million are removed each year from the local economy, and 1,448 jobs at stake." These figures form the basis of some of the four successive full-page advertisements last October in The Echo, a local paper, which were placed by Astra. These figures were also included in the 379 form letters, or astro-turfing, submitted to the Council's public exhibition by STRA owners. After the first advertisements, Ms. Workman's figures were fact-checked, and I have a copy of correspondence here from Tourism Research Australia that denies that they undertook any such research. This was made public in an article published by The Echo on October the 12th. The December 6th email to Mr. Roberts was the first time Ms. Workman stated the ABS had undertaken commissioned research producing the figures she professed. Again, a check with the AB- uh, ABS, resulted in written response denying any such research was undertaken by them. I have the written denial with me. The OBIS report quotes ABS data, but this is free and publicly available. There is no mention of the figures quoted by Ms. Workman and no interpretation can be made from the data in the OBIS, in the OBIS report that resembles the quoted figures. Therefore, the conclusion can be made that Ms. Workman's figures are not reliable. The second document is an email dated 28th of October, 2022, to Mr. Roberts from Colin Hussey, who signed it as Chair of Astra in Byron, and CEO of A Perfect Stay. In his email, Mr. s- Hussey stated that any caps on STRA are unenforceable. I am concerned that recalcitrant and dishonest STRA owners and managers are not complying with, and are rotting, the current 180-day cap in Byron Shire. Byron Council is aware of this problem and other non-compliance issues. Evidence also shows that this is happening in other LGAs in New South Wales that have a 180-day cap.

The largest STRA management business in Sydney which has a booking engine openly advertises that it can achieve 70 to 80% occupancy for the STRA that they manage. If they achieve this then they will be exceeding the 180-day cap that exists in Greater Sydney. All existing STRA in Byron Shire are required to be registered with the DPE by 31st of January, 2022. With each booking, the booking engine business is required to enter the arrival and departure dates for each set of guests on a DP, uh, DPE premises register. The first registration year ended on the 30th of January, 2022. Housing activist Murray Cox continually scrapes and records data from the Airbnb website and publicly and fairly presents this data on his website Inside Airbnb. One piece of data is a column graph that shows that the occupancy in days for the 12 months. This was obtained by continually scraping the booking calendar for each STRA. The most recent information indicates that 401 Byron Shire STRA exceeded the 180-day cap. A few examples of other LGAs where the 180-day cap has been breached are Ballina with 82, 82 STRA breaching, the city of Sydney with 570, Manly with 78, Randwick with 82, and Waverly with 149.

The 180-day cap is mandatory in these LGAs. As it impossible to separate, some of these figures may have included hosted STRA, which is exempt from the 180-day cap. The large majority would have been unhosted STRA breaching the cap. This means some booking engines are not entering the correct details on the premises register, and/or the DPE is not monitoring day caps. On 10th of February, Panel members we- met with DPE executives. Mr. Luke Walton stated that large booking engines such as booking.com and Airbnb were cooperating in entering dates on the premises register. He further said that smaller booking engines were not cooperating with the mandatory entry of dates. I suggest that the Panel should ask the DPE about what measures they have undertaken to ensure the small booking engines comply, and what prosecutions have occurred against these non-compliant booking engines. Failure to enter dates is an offense provision under Section 54C of the Fair Trading Regulations Act and a civil penalty provision under Section 54D of

the Act. Mr. Peter McManus stated that if there is a breach, then a complaint can be lodged with the Department of Customer Service. This is ambiguous, as this Department does not deal with STRA complaints. Fair Trading... Don't I have 10 minutes? Thank you.

Fair Trading has informed me they do not deal with complaints about exceeding day caps in the premises register. They only deal with infringements on the code of conduct, which includes not entering dates on the premises register. They stated that breaches of caps are the responsibility of the DPE. This indicates that the DPE does not have a protocol in place to deal with complaints about breaching day caps. This needs further investigation. During two separate phone calls with the Department of Fair Trading, I was informed that the DPE is not monitoring caps. This needs further investigation. I believe that there's evidence supporting the case that enforcement for STRA regulations should be given to individual councils. This is in line with the position taken by the Local Government Association. I am personally aware of one popular STRA managed by a local business that has a booking engine that has exceeded the cap by 111 days. Nearly four months. Owner visits were not included. This STRA has had a complaint lodged with the DPE.

The owners of the STRA management businesses would've been aware of the 180-day cap regulation, and could not plead ignorance of the law. There is a significant number of STRA managers and owners who feel that the 180-day cap does not apply to them, and that they are above the law. I've read all submissions posted on the IPC website. A common thing is a large number of people who are still having their residential amenity damaged by occupants of STRA. In December 2020, the code of conduct for STRA was introduced. This code was designed by a committee that mainly consisted of representatives of the STRA industry. C- community groups were not invited to participate. The flaws in admissions that offered limited residential amenity protection for neighbours of STRA are obvious. I look forward to the mandatory reviewer of this code this year. I take concerns about many existing unregistered STRA in Byron Shire since mandatory registration began on the 31st of January, 2022. Airbnb requires that registration numbers for each listing from their hosts are provided. All hosts asked whether they were exempt from registration. Only those that have development approval for tourist facilities such as hotels, motels, and B&Bs are exempt and can operate 365 days a year.

Airbnb has accepted without checking that its STRA claims they are exempt. An examination online of those STRA that claim exemption shows that the large majority are illegal.

LUKE WATERSON SC:

Mr. Wallace, if you could just finish up.

DAVID WALLACE:

Sorry?

LUKE WATERSON SC:

If you could just finish up. I'm sorry. We just...

DAVID WALLACE:

Uh, okay. I thought 10 minutes were... Um, well, I'd just like to...

LUKE WATERSON SC:

To just remind all speakers that the Commission is taking written submissions, and I understand the-

DAVID WALLACE:

Yep. Okay.

LUKE WATERSON SC:

...Dates have been extended, so.

DAVID WALLACE:

Um, I'd just like to point out is the... I'd just like to point out that tomorrow morning there are five STRA management businesses, uh, that are presenting. Uh, Fair Trading has informed me that a Class One Real Estate License is required for those people. I encourage Panel members to check online whether they have this Class One. Why they're required to have a Class One is because, um, they al- allow for guests to enter a STRA under license and they're meant to have a trust account with a recip accept bond deposits in there. A number do have the correct license, others don't. So therefore, they're operating illegally. Okay.

COMMISSIONER COAKES:

Thank you, Mr.-

DAVID WALLACE:

Uh, you want this correspondence?

COMMISSIONER COAKES:

Yeah, could-

LUKE WATERSON SC:

Yeah, please.

COMMISSIONER COAKES:

We'll take that. Will we take that? Mr. Wallace, if- Yeah?

LUKE WATERSON SC:

... If you have correspondence from the ABS, then either attach it to your submission- ...If you're making a written submission, or email it to the, to the Commission.

Mr. Wallace, here, give it, if you give it to me I'll, look after it myself. Does anyone have any questions?

COMMISSIONER COAKES:

Yeah. Thank you. Any questions for Mr. Wallace?

COMMISSIONER GRANT:

None from me.

Thank you.

COMMISSIONER COAKES:

Okay.

DAVID WALLACE:

Thank you.

COMMISSIONER COAKES:

Thank you, Mr. Wallace.

LUKE WATERSON SC:

Uh, now we have, uh-...Jeffrey Lewis on AVL.

COMMISSIONER COAKES:

Yep.

LUKE WATERSON SC:

Mr. Lewis?

JEFFREY LEWIS:

Thank you. Um, also I'd like to thank the Commission for this opportunity. I think it's a great thing to be, uh, to be participating in. I was... I'm a resident of Suffolk Park. I'm also an anthropologist. My research special area is on community recovery resilience and sustainability through, in the context of disasters. So I have a background in researching community, and also, I have been, formerly, the research dean and deputy PVC research at, um, a major Australian university. So rather than go on about my own personal miseries with STRA because we are surrounded by them like David, the earlier speaker, we have four STRAs within our fence-line and within a house distance of us and they've inflicted, you know, tremendous misery on us, so... But rather than talk about that, plenty of people will be talking about that experience, I thought I'd try and situate my experience within a global context.

So I've done a little bit of a lit review and I was a little bit surprised to hear the person from the Department of Planning say that their 180-day cap was not, was arbitrary and not based on any science. That surprised me because as I looked at it over the weekend, there's now a whole body of research that's been generated globally around STRA or what they're calling, "The Airbnb Effect." And a lot of that research.... Pretty much all of that, in fact, I didn't find any, uh, contrary views. A lot of that research simply points out that the benefits, the economic benefits of STRA are being far outweighed by the economic and social costs of STRA, and that's pretty much unequivocal. So I think Australia has been lagging badly behind on the kind of regulatory framework that's required to manage this, uh, escalating business model. And as I also looked at this, I found that many of the heavily visited cities of the world have, uh, taken steps to regulate STRA and taken, some of them,

quite serious steps. Largely because of the effect on housing affordability but also because of the social damage that's being done as well.

Now these cities include Barcelona, um, Paris, Berlin, Edinburgh is now instigating new kinds of regulatory regimes, New York, LA, London. Just focusing on London for a moment, London has n- uh, was to introduce, was going to... And this was done several years ago. Was going to introduce some regulations and Airbnb and said they will restrict their rental opportunities to a mi- uh, to a maximum of 90 days. So they've introduced the 90 days. It's, uh, had mixed effect, but it certainly has reduced the escalating listings of, uh, p- properties going from long-term rental to short-term rental. So that's been stabilized in London. An interesting one is LA, and there's a... b- I found a really good article in the Journal of Urban Economics. They did, um, a three-year study on the effects of STRA in LA. Uh, they found, for example, that the-... in L.A. Uh, they found, for example, that there was something like a 15% increase in property values, which they could, and rentals both, um, which they could attribute fairly directly through a range of strategic approaches over out to locate that to directly or associate that directly to the introduction of STRA.

The eight of the 88 cities in the county of L.A. have introduced what they call share-housing ordinances and those ordinances have had an effect in arresting the growth of STRA in, uh, in those ca- in those cities and they've known rest of the growth that the rest of the rising cost of rental accommodation and housing prices. In fact, uh, over the previous 12 months of the study, the, before publishing, they found evidence of, like, a 2.5% drop.

Now, I've found evidence of that all over the place, all over the world, so I was really surprised to hear that the people from the, the Department of Planning didn't pursue, um, some substantial rigorous research 'cause it's there. It's evaluable.

Um, the only other thing I wanted to talk about in terms of economy because I think a lot of people would be talking the social effects and the impact on neighbourhoods. But the other thing that a lot of the research hasn't looked at in any really rigorous way, but it certainly from my observations as a victim of STRA, what I've thought about is that there is considerable economic costs. And we know that, uh, certain people are benefiting from STRA, there's no doubt about that. Um, the property owners are finding it a little credit business to be involved with. The, uh, online systems like Airbnb are making huge profits or huge amounts of money. The Airbnb, I think, I looked at for at it for example and they said that Airbnb at last count, on the last count is worth around about 321 billion U.S. dollars.

So some of the, some people are making a lot of money out of it, but there are other economic costs which aren't being considered and the State Government is probably not taken sufficient account of these economic costs. It refers to some extent of what David was talking about earlier in relation to emergency services and the fire brigade. There are labour costs involved in, in neighbourhoods, in maintaining community and a lot of that labour isn't directly accounted for.

We think about the costs of, if we just put it in purely economic terms, the cost of what emergency services contribute, uh, the cost of what do it cost to have volunteer labour instead of paid labour? If it was all to be paid labour, it would be significant increases in costs- costs to all the things that neighbourhoods do including fire and emergency services, uh, the- the, sort of, volunteer work that are done around soup kitchens, canteen duty, supporting neighbours, uh, June care. All of these things have a cost, but it's not sufficiently accounted when you're hollowing out a community, of course, you lose that, lose that labour value.

The other kinds of economic costs that need to be included are such things as, uh, infrastructure costs and Olson Street is a really good example of that. It's been destroyed by the amount of traffic

that is carried through it, but there are other costs around beach care and beach maintenance, parks, all the, kind of, pressure that comes with STRA and that constant flow, heavy numbers of people going through.

There's ecological costs and it's the ways in which there's pressure continually being put on, on, um, the natural environment around Byron Bay and all this, um, signant- there's significant amounts of population pressure that's being put on through STRA.

And the other biggest one and one which is maybe some other people will talk about this, hopefully they will, but I think the biggest one is the cost to health and there is no doubt about it that not just for me personally and my family, but for my neighbours, my other parts of my family. The stress of having STR- being surrounded by STRA, the constant flow of noise, of disruption that's having a significant effect on the mental health of our community and community members. If that cost were accounted for, if there were a monetary value put onto that, you would see quite clearly that the present- presentation of the economic value of STRA is somewhat reconciled by the effect of what is happening to the people in their community.

So, okay, so I'll just, uh, I want to talk about my own experience, but I will just say that I support the Council's 90 day cap. I think a lot of communities around the world have taken much more severe approaches to this and restrictions including such things as having a, a minimum of 30 days for rental accommodation. There are, uh, some, some jurisdictions have placed huge amounts of tax impositions to try and get favor to go back to, uh, long-term rental. So, the- that's enough from me I think and, um, hopefully you'll catch up on some time. (laughs). Thanks very much.

COMMISSIONER COAKES:

Thank you, Mr., Mr. Lewis, and again, would encourage you to attach anything to your submission in that regard...Richard, did you have-

COMMISSIONER MACKAY:

Tha- thank you, Chair. Um, Mr. Lewis, I- I wonder if in, uh, as a result of your desktop research, there was any consistent message pleas about, um, a cap level which does generate some evidence that shows, uh, a link to, um, change in landlord behaviour. In other words, is, is there a mech- is there a magic cap or is there a consistent cap which causes landlords to switch between STRA and long-term rental and-

JEFFREY LEWIS:

Well, there was-

COMMISSIONER MACKAY:

... and, and well, can I just a- if in so far that there is, I- I'd invite you to share the specific references with the Commission in a written submission should you wish.

JEFFREY LEWIS:

Yup. Well, I'll do that. Um, y- different jurisdictions have done different things to try and, um, make them, to encourage landlords to move back to long-term rental and certainly the 90 days that is being proposed in Byron is an absolute minimum. It's, it's minimum.

Um, London's doing something similar and they got to become more restrictive I would say. Or I will make that submission. Yup.

COMMISSIONER COAKES:

Yup.

COMMISSIONER MACKAY:

Thank you. Thank you, Chair.

COMMISSIONER COAKES:

Okay.

LUKE WATERSON SC:

I think we now have Hannah Hopkinson on AVO.

HANNAH HOPKINSON:

... tell on Olson Street. Waves has 20 rooms, which when full, accommodates 84 guests. This is perfectly regulated short-term holiday laying in the Byron Town Center. It is highly capital-intensive and it is highly labor-intensive.

Our company has also invested in other accommodation businesses in the town and is committed as a long-term employer and investor in Byron Bay. Largely because of the community spirit and uniqueness of Byron, our company purchased Waves 20 years ago in 2004. This investment was based on the expectation that visitors to Byron would be accommodated within commercial zones. Whilst we expected the number of tourism accommodation providers to grow, the expectation was that this would be within, um, the commercial zones and that somebody would be keeping an eye on loyal business owners and operators and protecting our interests in the town. Unfortunately, it appears that we were wrong.

The fees that are required to even open the doors to regulate a short-term holiday-letting accommodation are astronomical. This is a very highly regulated industry. We are continually looking at revising and improving our hotel experience for guests and the local community.

We have plans in, um, sorry. We have plans in with Council at present for significant improvements at Waves that will make it more attractive from the streetscape and improve the guest experience. Again, this is very capital-intensive, yet we have no zoning protection.

I don't need to tell you what has happened to residential areas in Byron. I'm only here to tell you how this has affected us. We have historically managed to maintain loyalty among our staff and contractors, however, the holiday letting has ripped our operations apart. Our staff have had to leave the area as they are unable to find accommodation. Some travel long distances to work for us and this isn't sustainable for them. We have been the victims of the cannibalization of the hotel industry by short-term thinkers and short-term investor and, and there has been no monitoring, no oversight.

And so, I'm very grateful to have this opportunity to address you today, so thank you. We hear the word resilient a lot in Byron. Resilience is what you need to get through difficult times that are beyond your control. For example, during COVID, we stayed open almost the entire period

because we wanted to support our long-standing employees and retain our staffing team. We accept that some challenges are beyond the Byron Shire Council's control, however, we do expect strong leadership that they will protect the community and protect those who've invested in the provision of sustainable, short-term accommodation in appropriately zoned areas.

Operators such as ourselves have been hit hard. We've, we've been hit twice. Unregulated holiday letting takes not only our business, but also our staff as they're unable to live in the area.

Waves has capacity for additional accommodation most times of the year and the amount of new regulated, short-term rental accommodation either approved or in the approval stages in the Byron Town Centre is significant. Any loss of holiday homes will be met by this quality product. These issues are complex and will require a multifaceted response.

Byron Shire Council put out a discussion paper last year called After the Floods. There was a strong call for increased height and density in the Byron Town Centre. Not to make it taller than the town centres of surrounding areas, but to make either as high or nearly as high. We've got large sections of the town centre still at a nine meter height limit despite the town centre master plan recommendation that these areas be brought up to the 11.5 meter height limit of the rest of the town centre. These issues are not separate.

Thank you for listening to my speech. In summary, we call for the urgent and permanent protection of residential zones for residents only. Thank you.

COMMISSIONER COAKES:

Thank you, Hannah. Just, just a quick question from me. You mentioned, um, obviously, lots of staff traveling in from different areas. Could you just clarify that for me a little bit in terms of where they're coming from given the lack of accommodation you're saying locally.

HANNAH HOPKINSON:

Yeah, sure. So, um, we have some long-standing, um, employees who used to live in the, um, Byron Town Centre and just with their rising, um, annual- just the shortage of accommodation really for rentals, um, they've had to move out to wide areas, um, and which has increased their travel time, um, and it's just, you know, ultimately, this is becoming unsustainable for them.

COMMISSIONER COAKES:

Okay. Thank you. Any further questions?

COMMISSIONER COAKES:

No, thank you.

COMMISSIONER COAKES:

Okay.

LUKE WATERSON SC:

Uh, next we have Tamara Smith MP.

TAMARA SMITH MP:



Thank you. Can you hear me okay? Thank you very much, um, Commissioner Sheridan, uh, Coakes. It's Coakes, isn't it? Coakes.

Um, I'd like to start by acknowledging the traditional custodians of the land where we are. The Arakwal and Bunjalung people and pay my respects to Elders past, present, and emerging and all Aboriginal people here today. I will also remind, uh, the Panel that Cabit- further south, uh, the Nyangbul people of the Bunjalung nation, the entire Cabbage Tree Island community was, um, flood affected, displaced, and lost their homes, uh, just nearly a year ago and a lot of our traditional owners, um, have come to me over the last eight years unable to find homes to live in in their own, on their own, uh, traditional lands, which is, um, a terrible injustice.

Uh, I will be, um, I believe I have 10 minutes. I will be, um, submitting a written submission, um, by the due date and I thank the, um, Independent Planning Commission for coming here and holding this hearing today. And when I could take this process, um, please do not take it personally. It is in no way disrespectful to you and your role on the IPC.

But I do wanna question why we are here. Uh, we are a traumatized community. We have been making this case for at least 15 years and over the last eight years, Byron Shire Council has gone-jumped through every possible hoop with the Planning Department. I have expended, as the member for Ballina, um, a lot of political capital in trying to push for a cap on holiday letting in our, uh, in Byron Shire that suits our community and that includes having undertakings from the former premier, Gladys Berejiklian; undertakings from two planning ministers; and undertakings from the current premier, Dominic Perrottet.

And we were almost there, (laughs), and Council have acted in good faith and our community, bless them, have turned up again and again and again to have their views heard, they've made submissions, and they have open-heartedly turned out today to do it again. Um, and it's incredibly disappointing to me when I see the, the stature of the work you normally do in terms of state significant, uh, infrastructure, uh, to see that the Minister has called this in, um, and, and I really do question how on earth you're gonna make this decision because to me, this is up to our community.

This is something that our community has made the case for in their local environmental planning instrument and the fact that it has been taken away from us is incredibly disappointing. And it did not need to happen and I would submit that it is about politics. The timing at the 11th hour, I believe it's the powerful lobby that we're up against and we certainly have just heard that from Professor J- Jeffrey Lewis, who's at Monash University and so many others that this is happening all around the world and to me, this is the face of it here today in a flood-ravaged community. It is, I think it's appalling that we are here today. Nevertheless, I would like to make, um, some, points about it.

I would re- I would suggest that this, the bigger picture of this because it's a, uh, there's been so many things conflated. The Minister, I b- or whomever, has coupled a whole lot of things for the Panel e- for the Independent Planning Commission to look at and I think we need to just step out a minute and consider what others have said about residential amenity because to my mind, there is a real conflict of use of land and this is, (laughs), this is, um, very old property law that this residential, what residential, uh, zoning actually means. And this disruptor has called us, like, Uber did, it's caught us on a wears because if you have thousands of whole homes in your neighbourhood running businesses with clientele changing on a daily basis, I'm sorry, you are either commercial or you are business or you are industrial, but you are not residential. And I think it's also very duplicitous that in, that's it's even, it's not even considered tourism. And I- I'm in, asked Jan earlier. I said, "When did the language go from short-term holiday letting to short-term rental

accommodation?" because let's face it, this isn't rental accommodation f- for- for our residents. It really isn't. It isn't for our people.

I'm also not demonizing members of our community that put their whole homes on h- on those p-shared platforms, but our community must decide how many and where they go. That's the basis of this- the planning laws, otherwise I feel like, (laughs), where we're headed and we s- I see it in the last eight y- eight years, I've seen the eroding of the planning system from every level and to me this is, this is, uh, this is a hill to die on because what does it even mean?

So a person can't put a garage up on their home- on their property without jumping through countless hoops, but they can have 180 days of the year, they can have 10 different people and umpteen cars every day and, and no one bats an eyelid. It is, it is disproportionate and I'm certainly not, um, gonna go down the road of, of, of how, uh, of regulation, uh, in terms of codes of conduct, but I do support Byron Shire Council in their repeated course to be able to have the resourcing to ensure compliance and to also have access to the registration. Um, and that's a bare minimum.

I also wanna point out that the 90 days was always a compromise position. In my world, it would be up to our community and there would be plenty of areas in which we would say would be zero short-term holiday letting an I'm gonna call it that because I think the other is a complete misnomer. It's up to our community and I can tell you that commi- councils across the state are watching today to see where we go because I believe it is a local issue. It's not a cookie cutter issue from McCrory Street. And the- look, the Planning Minister to- to be fair, I believe that he wants this outcome for us and I think that this was a political lobbying by powerful property interests and we have to stare that down is my view.

I would also respectfully submit that we haven't got a housing supply problem per say, we have a housing availability problem and affordability problem. Right now, under the current, uh, legislation of 180 days, if the West Byron, um, i- development goes ahead, there's nothing to stop that being entirely holiday let for a hun- it- nothing. Nothing whatsoever.

And in terms of calling this in, um, as opposed to state, state significant, um, investment, uh, stake-state significant development and the raise on detra- was, uh, the number of submissions to Council, well, I would say, (laughs), the West Byron rezoning had 1100 submission against that and there was no such calling in. So, I am very cynical about this process, um, and the idea that thousands of businesses can be running in your neighbourhood.

Think about the impact if you have one rude and, um, insensitive neighbour, (laughs), you know, with lots of cars, lots of parties, and upsets, upsets the street. Or what we are talking about is that times a hundred in streets all over the Byron Shire and as we heard as well, it comes down to social infrastructure and we've heard that case made very well already and I'm sure you will hear that throughout this process.

What I want to say as a, as the local member who's been supporting our, um, flood-impacted members of our community over the last year is that what has helped us is that social infrastructure. The fact that people know who was in their street. When you can't see your street name and you can't see the normal geographical parts of your street because it's flooded, it is about who you, it is about those relationships. It is about the- the connectivity and people coming together that makes the huge difference. And that's not me saying that. Um, after Hurricane Katrina and other disasters, it's world documented that social infrastructure is key to supporting actual resilience. And that's being eroded.

Um, and, uh, to- to finish, I would say that I'm very sad that our traumatized, beautiful community has to go through this again and in terms of housing, I cannot stress how many housing task forces, (laughs), and how many submissions we have made on housing and the answer is not supply. The answer is diverse options and it needs to be linked to people's income if we are going to have genuine, affordable housing. Our community and every community in reg- regional New South Wales should be able to determine through the LEP process the right mix for their community.

I do support Council submission around 90 days. I think I agree, um, with others that it should go much further, but this comes down to the meaning of residential amenity and I hope that you can take leadership today and that you can, um, make a strong submission in support of our community. Thank you.

LUKE WATERSON SC:

Questions?

COMMISSIONER MACKAY:

I have a question.

LUKE WATERSON SC:

Yes.

TAMARA SMITH MP:

Sorry. (laughs).

COMMISSIONER MACKAY:

Thank you, Ms. Smith. I would just like to ask in relation to that point that you made at the end, just in terms of being completely clear. I mean, o- I'm not sure if you were here earlier when the Council officers talked us through a, a list of residential strategies and programs that have been implemented by Council over the last 20 years and highlighted that there were 3000 new residential dwellings-

TAMARA SMITH MP:

Yup.

COMMISSIONER MACKAY:

... or more. Um, but I wanted to be clear that your view is it's actually not the supply at all. It's not the housing strategy, it is simply the fine grain in that strategy and what the houses that are built in that are being used for. Did- do I understand that correctly?

TAMARA SMITH MP:

I'm not contradicting Council's residential strategy-

COMMISSIONER MACKAY:

Mm-hmm.

TAMARA SMITH MP:

... moving forward in terms of over the- over the coming decade et cetera and the North Coast Regional Plan, but I will say that, A, what I'm trying to say is any supply, unless we solve this, we will see the dupli- it- it'll just keep happening because the land values. We are a cash cow from McCrory Street in terms of land tax and stamp duty. We've done the mats and we are a cash cow, so there is nothing in terms of the land value that will send that back to the community. I believe the investors will continue, um, to make a motza out of our housing.

COMMISSIONER MACKAY:

So, so if I may just push that a little further. Y- y- you have reviewed that there is enough land being dedicated for housing, enough housing being built, but the issue is that the regulatory framework a- around that does not put that housing within reach of local communities on a perford- affordable basis?

TAMARA SMITH MP:

The housing set and I'm, I'm glad there's a review of the housing set and I know former mayor, um, and MLC, Jan Barham made a submission which I've read. In that submission and I concur 100%, the two biggest factors for me, uh, the in-perpetuity and also, that it's being linked in some way to people's income.

So, essential workers and essential volunteers, that should be about income. If that's because, as Mandy said, we are the most unaffordable affordable, affordable has lost all meaning for us. So I- I would think that the, the housing set can be tweaked in terms of if just that issue and I think this mechanism of capping, uh, for communities with high tourist impacts is, is a wise way to go forward.

COMMISSIONER MACKAY:

And then, I'm, I know I'm pushing you, but if-

TAMARA SMITH MP:

Yup.

COMMISSIONER MACKAY:

If it is tweaked-

TAMARA SMITH MP:

Yup.

COMMISSIONER MACKAY:

... given the housing that's here now and the strategy that's in place, uh, are- are there enough houses without coming back to doing something with the housing strategy itself? If the changes were made?

TAMARA SMITH MP:

I would certainly defer to Council on that, um, and, and talk to them again. I think, it's hard to actually make that decision right now because of the number of whole homes that are unavailable. So I- I- I think I heard Australia-wide that the housing shortfall is almost exactly the number of homes that are on shared platforms.

Now I know that's a very simplistic. I'm not suggesting apples for apples, but I do think that that's a fascinating statistic.

COMMISSIONER MACKAY:

Thank you.

TAMARA SMITH MP:

Thank you.

COMMISSIONER COAKES:

Thank you.

LUKE WATERSON SC:

Just- just before we go on to the next speaker, I've just been asked to clarify that the Commission's function here on this issue is not, not to make a decision and such, but just to provide advice and recommendations to, to decision makers.

Um, so, our next speaker is Kayla Clanchy. I hope I pronounce it correctly on the AVL.

KAYLA CLANCHY:

Hello, good afternoon and thank you for allowing for Shelter New South Wales to present on this topic. Um, I'm Kayla Clanchy. That's okay, it's an Irish last name. Um, I'm policy officer for Shelter New South Wales, which is a peak housing advocacy body and, uh, we're mostly concerned with housing justice for low-income earners and systemic failings in the housing market that leads to housing insecurity and affordability. We've already provided a statement to IPC and thank you for that in our pre-hearing briefing, but we understand, um, that will be available in the transcript form later for public consumption and we also intend to put in a supplementary written submission.

So today, I'm mostly speaking not just to the IPC, but to any renters, housing-stressed individuals, or businesses trying to r- retain stain on the North Coast watching these proceedings. Um, your plight is not ignored and yes, we have data and insights that demonstrate the significant impact that non-hosted holiday accommodation has on our how- housing staff availability. And as Ms. Tamara Smith pointed out, I'm refraining from using those such phrase short-term rental accommodation or STRA, um, as this phrase is gaslighting the many local residents and actual renters in the region who are struggling with chronically low rental re- vacancy rates, facing no grounds evictions in their lease agreements, uh, to make way for conversions of homes to the whole home holiday market. And as you probably heard already, home sharing platforms such as Airbnb have moved a long way from being incidental income makers for owner occupiers in the primary place of residence. They now operate as quasi hotels for pro- property investors. Um, they're commercial in nature and with an eroding effect on the total stock of housing able to be used as homes by local residents.

For Byron, we can see residential vacancy rates pre-pandemic hardly ever reached up to four percent. Then, by April 2020, we see a huge spike. Residential vacancy rates up to 7.5%, indicating at that time, it was a renter's delight to be finding a property. Then with the mass amount of domestic tourism during COVID, we witnessed the residential renter vacancy rate plummet back to .4 and .7%.

In Byron, the percentage of private dwellings used as non-hosted private accommodation is 7.48% or one in 13 homes and this is the highest percentage out of any LGA in New South Wales. The highest. The proposal before the IPC to essential surrender some seaside neighbourhoods to the 365 day per year non-host exemption recognizes the long-standing use of many of these luxury abodes for the purposes of this accommodation. These generally being homes that would've been available on the traditional holiday or bed and breakfast market long before digital disruptors such as Airbnb and Stays came along.

Where the rub lies is in the easy conversion of dwellings as a result of the edification of housing through online platforms. So dwellings being converted to the non-hosted holiday market that would've ordinarily and perhaps up until about 10 years ago, been used for residential purposes by local renters and owner occupiers.

To tackle this phenomenon, Byron Shire Council has proposed residual locations around the Byron Shire to be exempt as non-host accommodation for no more than 90 days per calendar year. In discussions with our network of supporters and the Tenants Union New South Wales and a lot of the strictures placed on Council by the state document stay cap approach to regulating non-hosted accommodation rather than a permanent or DA-based system, we accept that the 90-day exemption will continue to allow for some holiday period use and improve the prospects of three to six month lease arrangements being secured by renters in the autumn and winter periods more so than would be incentivized through a half year cap so high as to be ineffectual.

Additionally, we see the 90-day cap as a market signal to hoteliers to invest in and develop purpose-built visitor accommodation, boutique hotel, and resort projects, further easing pressure on rental stock. There will always be landholders who feel they have missed out when it comes to land use zone. Whether it's one side of the road being zoned R2, low res, and the other side zoned R1, generally residential, on this case, one part of the neighbourhood being zoned non-hosted accommodation exempt all year round and other parts not. There will always be landholders decrying exactly where that line is drawn if that line does not give them an unearned income and land values.

We also have questions about the process by which local plan making- authority was stripped from Byron Shire Council for this planning proposal. We've been informed it's actually not sitting with Council anymore and it will go to the Minister for decision.

And what parts of the planning act and regulations has specifically been invoked by the Minister or what parts of the gateway determination conditions of consent have been breached by Council in progressing the proposal? We've laid out our questions in this regard twice to the Department of Planning, um, and we've had no reply since early January and I'll happily forward these questions to IPC.

So, I'm wrapping up now. (laughs). Um, Shelter New South Wales employs the IPC to recognize and value the many years of planning, consultation, and consideration that has gone into this mapped and capped approach by Council and to not allow a ministerial snap decision, bending to the will of wealthy property investors to sink the very mild market interventions on offer which will secure some housing to be used for homes on a more permanent basis. Thank you.

COMMISSIONER COAKES:

Okay. Any further questions? J- Juliet? No?

COMMISSIONER MACKAY:

None from me. Thank you.

COMMISSIONER COAKES:

Okay. Thank you.

LUKE WATERSON SC:

Our next speaker is, uh, Jan Barham.

JAN BARHAM:

Good morning, everyone. Jan Barham. More than 30 years as a resident, 13 years on Council, six years in the Upper House, and, uh, now back to being a troublesome community activist, spending my time doing research and writing submissions, not that many of them get taken notice of, but you have to keep doing it.

I acknowledge we're meeting on Arakwal-Bunjalung country and pay my respect to Elders past, present, and emerging. And thank you so much to my community who retained the vigilance, their commitment, their passion. We never give up.

I'm supporting the Council compromise proposal for STRA not because I believe it will solve the problems we face with the commercialization of our neighbourhoods, but because it may return to our community. As this happened overseas, if you do the research and we all have, and as being identified in Council's report, but I want to encourage you as the Commission to go beyond the narrow focus that the Minister has proposed and gain a broader understanding as to why our Council, our MP, Tamara Smith, and so many of our residents have supported the restriction.

This activity goes beyond housing issues. It impacts on the capacity of our community to thrive and be resilient as it results in the loss of permanent population. I propose there's a greater loss, economically, socially, and culturally by the unrestricted use of unhosted STRA in residential zones. Local government is required to follow state planning laws and prior to the housing set 2021, the use of dwellings in residential zones for tourism was prohibited and I'll make the point. The concept of state-wide uniformity is inconsistent with sound strategic planning. Each location is different... with sound strategic planning. Each location is different and should be recognized as such. Now, 20 years ago in February 2003, I proposed a motion to regulate holiday letting by requiring a development application. This was just after the Bali bombings and a summer where Byron was inundated with tourists. Our residential areas became unhosted hotels and the community was heavily impact.

The staff response to my motion was rightly that the use was prohibited in residential zones, a position often upheld by the Land Environment Court. Then Council and the community went about preparing a Byron Tourism Management Plan and that resulted in a clear community opposition to the use, and the recommendation to strengthen the prohibition on holiday let. We also tried to establish a precinct model, but couldn't get... gain support. But when Council tried to amend the LEP in 2010, we were thwarted by the State Government. They were looking into it.

This is where I think the timelines need to be updated, there's a lot that happened before 2/16. In the academic paper "Pop-up' tourism or 'invasion'?", Byron's been defined as being subject to an invasion, and that is how it feels.

Our neighbourhoods have been under attack from commercialization. We want neighbours, not strangers. We want homes, not hotels. The paper also notes that with platforms such as Airbnb adept at mobilizing the latent political power of home sharers through seemingly grassroots campaigns, politicians are often reluctant to seriously restrict their activities. This is sadly true and many in our community feel that we have been betrayed by the state again.

With a comprehensive... without a comprehensive cost benefit analysis there's a skewed view on this issue. If a decision is going to be determined on the economics, then please ensure that you consider the real costs to our community. It's not just about the economic contribution, because that fails to be weighed against the value of a community and what's at risk. The financial contribution of permanent residents supports our businesses all year round.

The contribution that residents make to the social and cultural cap... social and cultural framework isn't valued. We value it. The volunteering in the care sector, sports, emergency management, cultural events, environmental repair and care, are all essential for the community to thrive, and ironically contribute to the attraction of Byron at no cost to the tourism industry. They're the values and they can be monetized to show the other side of the argument if that's what's required. There's also the costs. Without neighbours our communities are less safe and people's well-being declines and our connections and supports are eroded. The lack of financial contribution to Council as per the real tourism industry, uh, to support and offset the impacts and- and fund infrastructure and compliance must be considered. The lack of affordable housing has made it impossible for essential workers and the volunteers to live locally, and businesses can't operate due to lack of staff.

These are the real stressors, and the recent disasters, I'll quote from the Minister himself in the regional plan, "It's a region of resilience strengthened by a rare community bond, the courage and support for each other in the face of these life-changing events has been inspirational and the government will continue to stand with these communities and provide them with the support they need to prosper. This updated vision for the region is part of that effort."

Well, we need to see that effort now. We need the government commitment to our community, not support for the ongoing invasion. I fear a narrow focus in this inquiry won't do justice to the complex and crucial risks that we face if there isn't constraints on STRA. I encourage you to recognize that our community is suffering and there are values and risks that must be considered. Please support us to prosper and not be treated as a commodity.

COMMISSIONER COAKES:

Questions? No? All good. Thank you.

JAN BARHAM:

Thank you.

COMMISSIONER COAKES:

Thank you.

LUKE WATERSON SC:



So, I think we're back at 25 to two for lunch.

COMMISSIONER COAKES:

25 to two. Okay. Well, that ends our first half of the day and we will be back at 1: 35. So, look forward to seeing you then. Thank you.

Okay. Thank you, everyone. Welcome back. I think we have our first speaker after lunch, which is Paul-

LUKE WATERSON SC:

Paul Schultz on the telephone.

PAUL SCHULTZ:

Yes. Thank you.

LUKE WATERSON SC:

Go ahead.

PAUL SCHULTZ:

Uh, good afternoon. Thank you for this opportunity to outline to you how the Byron Shire STRA planning proposal and the New South Wales STRA laws will affects my property. Um, a bit of background. I speak for myself and on behalf of the Owners Corporation of Bayview Beachfront Apartments, which is located at 22 Bay Street in Byron Bay. Bayview is a longstanding complex of 21 self-contained apartments located in the CBD and opposite Main Beach. The complex was built circa 1980. Bayview is and always has been a popular short-term holiday complex and was one of the first, if not the first short-term holiday accommodation in Central Byron that wasn't a motel.

Uh, I am the caretaker and on site manager of Bayview and I am commercial accommodation provider. As manager, I have caretaker and letting agreements with the Owners Corporation. I have individual agreements with each lot owner to rent their apartments for short-term holiday letting. I also have full class one li- New South Wales real estate license and operate an auditor trust account and I support numerous local cleaners and other employees and local trades with regular work. I also operate, operate a dedicated onsite reception at a registered business name, onsite signage and website, so not a small amateur Airbnb operation.

These laws will have a major impact on the viability of the business. There is more detail about Bayview in the submissions made to the Byron Shire Council on their STRA planning proposal. Bayview is a strata complex, which comprises the lots owned by individuals and the common property in the complex, such as the pool, BBQ area, commercial laundry and linen rooms etc. The apartments are serviced apartments cleaned by me as a manager and agent. Bayview in fact operates as a resort in the manner of a motel rather than unhosted, short-term rental accommodation. Guests of Bayview would be hard pressed to distinguish is from the hotels, motels and other tourist accommodation along Bay Street and in the CBD and surrounds. There is very little permanent residential accommodation on Bay Street and surrounds.

Unfortunately, the way the new New South Wales STRA legislation has been written, it catches properties like Bayview due to the age of the property and the reference to building use in the

legislation. There was no building use classification for tourist accommodation or serviced apartments when Bayview's original DA was approved. So, Bayview had to be classified as residen- a residential flat building. Importantly, though, Byron Council has never restricted the building use of Bayview for short-term accommodation. There are many other properties in the shire with the same problem.

Unfortunately, the definition of hosted in the legislation doesn't fit our circumstance either because the requirements of the host's to live in an individual property, not as an onsite manager. Everybody that I've spoken to about this problem, including seven out of nine Bryon Shire councillors are all amazed that a property like Bayview is caught by this legislation. Although lodging a new DA to change the building use to tourism accommodation would appear to be an answer, it isn't a viable option for Bayview or others as there are too, far too many complications.

There are also significant impediments to site managed serviced apartment lots like Bayview returning to the long-term rental market. These include the fact that the current owners and the Owners Corporation are bound to an onsite manager by long-term contract, usually 10 years, for the provision of services based on a serviced apartment model. The onsite hospitality infrastructure is locked in by bylaw and contract and the costs associated with the onsite manager for which the owners are liable both individually and collectively are set at a level commensurate with serviced apartments and would be, would be economically unviable on a long-term rental or owner occupied basis.

I would like to offer some possible solutions for many serviced apartments caught by the legislation. The best solution, the relatively easy and cost effective solution for many serviced apartments and other properties inadvertently caught by this legislation is to maintain the exempt precincts approved by Bryon Council at its meeting held on 15th of December 2022, which included the Byron CBD and surrounds. Reasons by Byron needs exempt precincts include with a 90 day cap, or even 180 day cap, there will be a shortage of holiday accommodation in Byron Bay which will threaten viability of the local economy, which is completely reliant on tourism.

There are many str- strata properties that have always been short term holiday accommodation in Byron Bay like Bayview. These properties are in essence managed serviced apartments and unintentionally impacted by this legislation. Most of the guests that stay at Bayview and similar properties are families, typically mom, dad, two or three kids. These families are the exact type of tourists Bryon Shire Council has stated that our town should be trying to attract. Um, with caps on holiday houses, families will need places like Bayview more than ever.

Thank you. Thank you for the opportunity.

COMMISSIONER COAKES:

Thank you. Thanks, Mr. Schultz.

LUKE WATERSON SC:

Just, just-

COMMISSIONER COAKES:

We've got-... one question from Juli- Juliet.

COMMISSIONER GRANT:

Yes. I'm just wondering, um, you've mentioned that you think the DA is not a viable option if you fall outside of, of that exempt scheme. Could you just elaborate slightly on, on that point, please.

PAUL SCHULTZ:

Oh, it will mean that we would, um, have to address all the new building codes that have come in since the property was built. Um, it just wouldn't ... It would be unviable economically.

COMMISSIONER COAKES:

Okay. Thank you very much.

PAUL SCHULTZ:

Thank you.

COMMISSIONER COAKES:

Thank you.

COMMISSIONER MACKAY:

Sherie.

COMMISSIONER COAKES:

Oh, one more question from-

COMMISSIONER MACKAY:

Yes.

COMMISSIONER COAKES:

Yep.

COMMISSIONER MACKAY:

Th- Thank you, chair. Thanks, Mr. Schulz. Could I, could I just clarify, under the, um, precinct maps most recently adopted by Council, this properties actually in the 365 ...

PAUL SCHULTZ:

Yes.

COMMISSIONER MACKAY:

... um, area, isn't it?

PAUL SCHULTZ:

Yes. Originally, uh, the CBD wasn't mapped for some reason, but that, uh ... The meeting, uh, in December included the CBD as an exempt precinct.

COMMISSIONER MACKAY:

Yeah. Uh, so, look, o- obviously everything's on the table, but in terms of the Panel turning its mind to your submission, um, most of that, um, actually goes away with the precinct maps as currently proposed, is that right?

PAUL SCHULTZ:

Yes. Yeah, that's what I said. It's, it's the easiest and most cost effective solution.

COMMISSIONER MACKAY:

Okay. Thank you.

PAUL SCHULTZ:

It's not just my property effected.

COMMISSIONER MACKAY:

Understood. Thank you, Mr. Schultz.

PAUL SCHULTZ:

No problem. Thank you.

LUKE WATERSON SC:

Uh, next speaker is, uh, Liz Friend in person.

LIZ FRIEND:

Thank you. My name's Liz Friend and I started the Byron Deserves Balance petition. As a long-term resident of the area, I'm here today to represent the local community. The current housing crisis is radically altering the nature of Bryon Shire, affecting the demographics of this community forever. We need this 90 day cap so our region can have a say in its future direction.

In October 22, I set up a change.org petition called Byron Deserves Balance to provide our community with an alternative voice to the Byron Deserves Better lobby group. This cohort of wealthy investors and property owners have been lobbying the State Government and have recently spent thousands of dollars in the local press in an attempt to drum- drum up support for their position. The petition that I've started represents the majority view of our community, shown by well over 4,000 signatures received already. Many out of town and local investors have purchased multiple properties and have converted them to short term rentals. Meanwhile, permanent renters have been forced out, resulting in a serious crisis that has led to homelessness and displacement across the entire northern rivers.

There was a housing crisis before the mega floods in February 22 and now the situation is desperate. We're not against tourism or hosted holiday letting, but the unregulated and unhosted holiday letting in Byron Shire has become an investor industry. It is now seriously impacting the whole community, including the residential areas. We need legislation that will affect an equitable and fair outcome for all. Research around the world shows that Airbnb- if Airbnb and similar platforms are allowed to run rampant, both the community and housing supply are the ones that

suffer. Many countries have put regulations in place, and yet there is little regulation in Australia. We need to protect our residential housing stock and a 90 day cap would be a very good start.

Byron has long been one of the so-called hero destinations for tourism throughout the state as described on New South Wales State Government Destination New South Wales website. However, there is nothing heroic about policy that pushes people into homelessness. The pandemic only added to the unprecedented and exponential growth of tourism and housing investment that has led to the current crisis. We need to find a balance here. If not, there will be no locals left, no one to serve coffee or clean, teach our children, staff our hospitals, or provide other essential work.

Investors are not infiltrating the residential areas. Unhosted properties are a commercial business and should be regulated as such. We need a realistic and just solution to this problem. It is affecting people's lives, their ability to work, support themselves, their families and their children's schooling. There are now severe mental health issues across the community due to this crisis. Whilst getting sig- signatures for the Byron Deserves Balance petition, we've met so many people who've had to move multiple times whilst trying to maintain their work and family lives. Many are forced to live in their cars as they need to be close to their work and yet have nowhere to live. If they were lucky enough to find accommodation, many said that most of their income was going in rent.

We met a local tradie with full-time work who's living in his van. Ronda, 63 works two jobs and has just been given a month's notice on a property she's been living in for five years. A woman who runs a cleaning business is now struggling as she has to pay travel money to her staff so they can get to work. Byron pa- paramedics are having to travel to work for Murwillumbah and Goonellabah. This situation is impacting staffing levels both there and at Byron Hospitals. There are so many stories, too many men- too many to mention here.

On the government's website [visitnewsouthwales.com](http://visitnewsouthwales.com), the introduction to Byron Bay paints a completely false picture of Byron and its lifestyle. It says, "Embrace the boho. Its boho meets beach side, hippy meets hip, spiritual meets sophisticated. A place where you're just as likely to see Chris Hemsworth tucking into Sunday lunch at the farm as you are to encounter dreadlock drummers heralding in the sunset on the world-famous beachfront. Whichever version of Byron Bay you embrace, you'll come away with a renewed sense of calm and cool." Fact, this quote is deceptively shallow and ri- misrepresents reality. There is little calm in Byron Bay now. The so-called dreadlock drummers and hippies they mentioned in their spin have mostly all left town because they can't find anywhere to live. And the use of Chris Hemsworth and the farm, who both contribute greatly to our local community, is again shallow and flippant in its description. The same website says, "Byron was once the favoured domain of hippies and boho sea changes. These locals never left, but have been joined by forward-thinking restaurateurs, designers and celebrities." Fact, many of these locals are now homeless or have been forced to leave this region. The commercialization of this area has actually driven out the artisans, musicians and alternative lifestyleers who had a sense of authenticity, love and vision for the region. There is little forward-thinking or common ground here.

Many people are angry. They say they have lost faith in the government as they feel power and money is the only thing politicians understand. We hope you can see past the influence of this self-interested lobby group and give the community of Byron Shire some hope with a 90 day cap. Thank you very much for listening.

COMMISSIONER COAKES:

Thank you.

LUKE WATERSON SC:

Thank you.

COMMISSIONER COAKES:

Thank you. Thank you.

LUKE WATERSON SC:

Uh, next speaker is, uh, Deb Summons by video.

DEB SUMMONS:

Hello. Thank you for allowing us to, um, speak today. My name's Deb Summons. I normally, um, speak from the heart and don't prepare what I'm going to say, but today I have prepared something and I'm going to read. So, forgive me.

Um, I'm here to represent Byron ASTRA. We are a committee comprised of property managers and we represent property owners, contractors that service our properties and employees that help us run our businesses in the short term rental industry. I am also a business owner and a property manager. Just to make it really clear, we are the community. We live here. We have kids at school here. We live next door to STRAs. We coach soccer teams. We support charities. We employ local people. We shop here. We pay council rates and we return all of our profits ... Well, most of our profits back into the local community.

We are also a part of a regulated and legislated industry and follow a strict code of conduct set out by the New South Wales State Government. We are compliant and earnest. This is often misrepresented that our industry is wild and unregulated. This is simply untrue. We, too, feel the pain of the failure of adequate planning for housing, yet we are fully aware it is a national, if not a global issue, which most of our speakers have pointed out today.

Many of our contractors and employees struggle to find housing that is affordable and accessible. The short term holiday letting industry may feel like low hanging fruit in the quest to solve the affordable crisis, yet it's only serving as a welcome distraction to the lack of action of our elected officials over many years. We all must be angry. However, whilst we are fighting amongst ourselves, the less these represent- elected representatives are held to account for their policy failures that span years, if not decades. We are equally demanding and desperate that our policy makers work swiftly with sensible policy to resolve this housing affordability issue. It's affecting our businesses, our employees and dividing our community. It simply should not have got to this.

I need to be very clear with our position as a committee. Our industry is not the reason there is inadequate affordable housing, nor are we the solution. In the last 12 months, we've seen legislation set out by the New South Wales State Government that introduce necessary compliance measures, compulsory registration and nights capped to 180. This has been effective and we can now see there just over 1,200 non hosted registered property of which ASTRA B- ASTRA Byron represent, um, represent 800 property owners. So, that's our committee. The reason why these 800 plus homes will not provide affordable, stable, longer term housing is because they are neither affordable, nor are they available.

I need to make another point super clear here. These properties will not be returned to the rental pool for a very obvious reason. Our owners wish to access the properties they own at their discretion. They holiday in them, sometimes they use them as a second residence from time to time. They use them to build family memories. They pay rates to Council, and when they're in town, they spend money when they visit. When they are not here, they allow us to responsible short term holiday let their properties to cover some of their running costs. Many of our owners do not need to derive an income from their property to maintain it.

In short, they want their homes that they own to be available for their use, not to provide a solution to failed housing policy. Likewise, if they wish to return their properties to the permanent rental pool, the weekly rents on these properties equals several thousands per week and I would argue, that's not affordable or in line with what the mayor or Tamara Smith is wanting to be made available and affordable.

The mayor has spoken publicly about the number of properties that will be returned to the rental market from the holiday letting pool with the introduction of this policy. This started hysterically at some 1,500 properties which was more properties than were ever registered or ever available in the holiday let pool. This has now come down to 240. It's unclear as to the reason for the reduction or where the other 1,250 went, or where the 240 are coming from given we represent most of the owners on the letting registrar. And these people simply do not want to permanently rent their properties.

The mayor pointed out also that only 11% of the jobs in the shires are attributed to tourism. Given how many small companies we contract and how many employees we have amongst our business on the committee, we represent in excess of 1,300 people employed in this industry. This also doesn't include the cafes, the restaurants or the retail that rely on our guests to spend money. We are unsure of where these figures came from, but it simple does not make sense based on how we operate our business and the industry we work on.

The federal government has recently announced a housing affordability strategy indicating to us this is an issue that is larger than Byron. Housing is a complex issue and one that needs a long-term plan and a strategy from a national level over a number of years. We equally feel the pain of inadequate planning here and we believe that losing our livelihoods will see our industry and all we employ the scapegoats in a large, complicated issue that is beyond our control. We are all feeling vulnerable and concerned and our harmonious community that we exist in is divided. This is taking its toll, and you are right, Tamara Smith, you said it, we are all traumatized.

If the 90 day caps policy is introduced, thousands of people will lose their income and jobs. This may sound emotionally inflammatory, yet it's a real consequence of such a misguided policy. I honestly hope that as a collective over the last year, we have worked towards educating some people who oppose us and convince those that legislate us that we are not the problem and we simply will not be the solution and we must be able to responsibly run our industry that provides so much for so many in our region.

Thank you for allowing me to speak on behalf of ASTRA Byron today.

COMMISSIONER COAKES:

Thanks, Ms. Summons. Uh, just ... I have one quick question and then I think Richard does as well. Just given you represent around 800 property owners, um-

DEB SUMMONS:

I don't personally. The committee does.

COMMISSIONER COAKES:

The committee does?

Deb Summons:

Yep.

COMMISSIONER COAKES:

Um, can you give, give us any further information around how many days those properties would be let per year?

DEB SUMMONS:

180 as per the legislation.

COMMISSIONER COAKES:

Okay. So, you can't give us s- ... The, the committee has no additional data on those property owners and how many days those properties on average are let?

DEB SUMMONS:

Well, we're legislated and we have to be compliant to the code of conduct, and so that allows us to holiday let for 180. Are you asking me are they reaching that, or ...

COMMISSIONER COAKES:

Yes. Yes, I am.

DEB SUMMONS:

Yes. Okay. Some do and some don't.

COMMISSIONER COAKES:

Okay. And you've got any proportion – of the proportion of properties for different time periods?

DEB SUMMONS:

Uh, it would depend on the location of the properties.

COMMISSIONER COAKES:

Yep.

DEB SUMMONS:

To be honest, the properties that are located in the CBD of Byron, which is very close in, they tend to h- have a higher occupancy than some of the properties that are further out.



COMMISSIONER COAKES:

Okay.

DEB SUMMONS:

But again, I'd have to provide ... That's just ... I'd, I'd have to dig deeper on our statistics to really provide that for you. But you would be able to see that because it's all very transparent on the registry, what property is wh- getting what nights.

COMMISSIONER COAKES:

Okay. Thank you. And Richard.

COMMISSIONER MACKAY:

Um, thank you, chair and, um, thank you, um, Ms. Summons. I mean, just on the last point, I think it would certainly be, uh, helpful to the Commission if ASTRA Byron would like to give some breakdown. Uh, it would be very helpful, I think, to know what the average occupancy is. Um, my, my question is, uh, uh, if, if ASTRA represents, um, 800 of the approximately-

DEB SUMMONS:

1,200.

COMMISSIONER MACKAY:

... 1,200 non-hosted accommodation, how many of those 800 are within what are proposed as, um, a 365 day cap within the new, um, precincts adopted by Council, which incorporates most of the Byron CBD, please?

DEB SUMMONS:

It actually doesn't. If you really look at the map, it's quite limited where the precincts exist. The vast majority of the 800 of those properties exist outside of the precinct. But obviously what we're concerned about equally is the precedent that it sets. So, if this, if this precinct is then set, what, what stops it from then changing again? So, the major- the majority of the properties are outside the proposed precinct because the precincts are so narrow.

COMMISSIONER MACKAY:

Well, look, certainly if, if ASTRA Byron would like to give us some actual numbers about within without, that would be informative, um, for the Panel. But thank you for that answer.

DEB SUMMONS:

No problem.

COMMISSIONER GRANT:

No. My question was the same as yours.

COMMISSIONER COAKES:

Same as me.

COMMISSIONER GRANT:

Yep.

COMMISSIONER COAKES:

Okay.

COMMISSIONER GRANT:

Thanks.

COMMISSIONER COAKES:

Thank you.

LUKE WATERSON SC:

Uh, next speaker is Sarah Grant on video.

SARAH GRANT:

Am I on?

COMMISSIONER COAKES:

Yes.

SARAH GRANT:

Hello. Uh, my name is Sarah Grant. I have a holiday property management business called East Coast Escapes. I'm a class one real estate agent and we started our business in 2018. I moved to Byron over 20 years ago with my husband. We worked in hospitality, guest house management, then holiday property management all related to the tourism industry. It became apparent to me to survive in this town, you have to start your own business as working wages were never enough to survive on. Our children are schooled locally. We are a part of this community. We work with approximately 40 local small businesses, including cleaners, gardeners, linen hire, laundry and maintenance contractors. We work proactively to provide opportunities to financial vulnerable women, many that are single moms that have their own small businesses. These businesses will simply not survive for the 90 day cap and proposed limited precinct areas.

We cannot expect these small businesses to rely on working just the peak periods and hundreds may lose their jobs. There simply won't be enough workers available just to work the peak periods. Many will need to rethink the value of living in Byron and most likely will need to leave town. I honestly don't believe our business will be viable and the reality of the 40 small businesses we support may not continue either.

50% of our properties are outside the proposed 365 precincts and these properties are located within walking distance to Byron CBD and beaches, um, otherwise known as the Golden Grid, the streets of Massinger, Patterson, Ruskin, Kingsley, Browning and Carlyle Streets. Our property owners will not be returning their properties to permanent rental. They've been using their

properties to stay between one to five times per year and they holiday rent outside of these dates to make an income to cover their costs. They will most likely leave them empty and only rent out at peak periods.

On a personal level, I have had the ongoing challenge of finding secure and affordable permanent rental accommodation for my family of four over the last 20 years and I, too, am part of the social challenge that exists. But I strongly believe that reducing the caps to 90 nights and allowing the 365 proposed precinct areas will not alleviate the availability of affordable housing in Byron. The direct result, if this comes into effect will be the closing of my business, along with the 40 local businesses we work with, and we will need to move out of the area and re-establish a life somewhere else.

Thanks for the opportunity to speak today.

COMMISSIONER COAKES:

Thank you, Ms. Grant. Any questions? Yes, Richard.

COMMISSIONER MACKAY:

Thank, thank, chair. Um, and look, thank you for that, um, presentation. Um, can I firstly invite you, Ms. Grant, it, it would certainly be informative for the Commission to have some specific detail. You mentioned a number of streets in your remarks-

SARAH GRANT:

Yep.

COMMISSIONER MACKAY:

... but it would be quite helpful for us to understand exactly which properties in your portfolio, for example, um-

SARAH GRANT:

Yep.

COMMISSIONER MACKAY:

... fall within the 90 day areas. So, I'd invite you, if you, if you choose, to send that as part of your submission.

SARAH GRANT:

Okay.

COMMISSIONER MACKAY:

But I'd, I'd, I'd just like to drill down a little bit, if I may, please. Um, you said just quite close to the end there that most of your owners, um, use the properties themselves and they only rent them out during the peak periods. And I'm just wondering, um, so, how many days would you need? Because presumably, peak periods doesn't go all the way to 180 days being the state cap-

SARAH GRANT:

Peak pe- ... Yeah. Peak period-

COMMISSIONER MACKAY:

... that's used in other areas. Um, so, so-

SARAH GRANT:

Uh, um-

COMMISSIONER MACKAY:

... what, what would cover, um, your typical, um, owner who, who rents out and also uses the property themselves, please?

SARAH GRANT:

Well, I think that they definitely need the 365 to, to continue, um, but the 180 days is something that we, uh, welcome. Um, we're actually working with that successfully, um, and that enables the properties to rent out obviously during the school holiday periods, um, Easter and over the summer season. So, that, that definitely works at 180. Um, but obviously, you know, 365 would be the idea.

COMMISSIONER MACKAY:

Look, th- thank you. If, if I may, I will just press a little bit because my maths says if I add up summer school holidays and weekends, I get much closer to 90 than to 180. So, I mean, I just invite you ... I mean, the Commission is trying to pursue-

SARAH GRANT:

Yep.

COMMISSIONER MACKAY:

... an evidence based approach here. So, um, how do those numbers pan out, please?

SARAH GRANT:

Uh, so, obviously, like, um, it's not the 90 days. 180 days is what we feel comfortable with and keeps our business viable. So, moving it back to 90 days, we're not gonna be able to continue.

COMMISSIONER MACKAY:

Okay. Th- Thank you for that.

COMMISSIONER COAKES:

Okay. Thank you, Ms. Grant. Okay.

LUKE WATERSON SC:

Um, well, we're skipping ... Uh, Anny Reed is next.

ANNY REED:

I acknowledge that we're on Arakwal Bundjalung country and pay my respects to Elders past, present and emerging. I was a short-term holiday letting provider in Byron Bay. From 2000 to 2012, I owned and managed a small, friendly, four bedroom guest house, or BnB on Tennyson Street at the edge of the now expensive residential/tourist area that is now substantially non-hosted STRA. At that time, there were a few guest houses in the urban parts of Byron Bay, maybe a dozen approved and perhaps a few not approved. There were strong conditions of approval, like adequate parking on site, maximum of three rentable bedrooms, which was basically not viable, and most importantly, there had to be an onsite manager.

So, I lived at the guest house, and if I went away, I had to arrange for someone responsible to be there and usually pay that person. So, why have an onsite manager? For the residential amenity and safety of the people living around the guest house in a residential area. This was right because a guest house is a commercial activity that could impose a big burden on its neighbours. But now, anyone can do the same thing without any approval and without any manager to keep things reasonable. Just buy a four bedroom house, or bigger and get onto Airbnb or a real estate agent or another agency who will mostly use Airbnb anyway.

There is simply no protection for residential neighbours, and as more and more houses become STRA sites, the neighbours are moving out, trying to find somewhere they can live in relative peace, or that they can afford. So, I've seen Byron Shire Council trying for some years now to get a reasonable policy in place to protect residents, and lately to make sure there are houses for people to live in, including those who work in the shire, for all those businesses that supposedly depend on STRA, and older women and flood victims and support workers and volunteers.

Byron Shire Council developed a policy some years ago. It was a good one. When they tried to get it into our LEP, the State Government knocked them back saying a whole of state policy was being developed. And finally, the state did announce a policy which could wreck the shire for residents for all time. So, like a lot of our community, I felt relieved when after a lot of negotiating, the Byron Shire Council was given the right to develop, exhibit and determine its own policy. Up to 365 days a year, STRA in certain areas, which are almost completely STRA now anyway, and up to 90 days a year in the rest of the shire. A very good solution because many would be STRA owners won't find 90 days such a good financial prospect, and some will sell their property or rent it for at least part of the year. And this will put a lot of housing back into the homeowner and renter categories, and that's what we desperately need in this shire, and hopefully a lot of residents will have more peaceful lives.

Like many other citizens here, I don't understand how the State Government, having agreed to the arrangement, pulled the plug one day before Council was to vote and did vote unanimously to proceed with a few small changes to locations that people requested for good reason. So, this is what local government does best. It listens to its people, understands their needs and aspirations and tries to manage their environment, built, natural and social to meet those needs and aspirations.

So, why does the state not agree to that local management? Is it listening to bigger commercial interests with better taxes and more commercial activity in mind? Is it thinking we can cram in more tourists who will spend more and support more businesses? But those businesses are struggling to get and keep staff because there's less and less places for workers to live.

Look, to finish, I'd like to reiterate first that holiday letting is a commercial activity unsuitable for residential areas if controls are not adequate to ensure residential amenity, and if there's just too much commercial and not enough residential. And second, in this shire, and I'm sure in most others, we need the local government to be in control of planning and its impacts because they know what's happening here. One size really doesn't fit all, but that's the way the state has been directing the planning system. So, please let our Council do its job. Thank you.

COMMISSIONER COAKES:

Richard.

COMMISSIONER MACKAY:

No. Thank you.

COMMISSIONER COAKES:

No. Thanks, Ms. Reed.

ANNY REED:

Thank you.

LUKE WATERSON SC:

Uh, next speaker is Michael Grassi on video.

MICHAEL GRASSI:

See that everyone can hear me okay.

COMMISSIONER COAKES:

Yes, we can hear.

LUKE WATERSON SC:

Yep. Pro- Proceed.

MICHAEL GRASSI:

Uh, good afternoon. My name is Michael Grassi and I'm the director and co-owner of PODIA. Uh, we're a Sydney based property developer, um, and we are developing a project in the heart of Byron Bay town centre on Johnson Street called the Bonobo. The site is located next door to the Mikado shopping centre, uh, and it's across the road from Cheeky Monkeys, and it was the old Village Backpackers, uh, Hostel.

The project that we're delivering involves 42, uh, a- apartment hotels or also known as serviced apartments, um, and there are a variety of apartment types within our project. There are two, three and four bedroom apartment configurations, and when the project's completed, all of those apartments will be available for short-term, uh, letting for visitors of Byron to, uh, come to Byron and enjoy all that the Northern Rivers has to offer.

Uh, the project also involves an activated ground plane. We have a cluster of retail tenancies on the ground floor that are gonna offer a variety of, uh, retail convenience, restaurants, bars, uh, wellness, uh, offerings, uh, fashion retail and the like. Uh, and the project enjoys the support of, uh, Byron Bay, uh, Shire Council, uh, in the form of the DA that, uh, was issued in late 2021. We're now under construction and the project is targeted for completion at the middle to end of next year.

Um, our project is not the only type, uh, of, of its kind under way in Byron Bay. The Council has also approved others including Hibiscus Motel, and importantly, there's still plenty of capacity in the planning system for more short term accommodation to be developed in the town centre. In fact, we have a desire to develop more because the demand for the much loved Byron Bay, uh, and its, uh, broader inter-land is, is obvious, obvious and clear to us.

Um, our project is very much a response to the demand for short term accommodation in Byron Bay. Um, there are certainly some, uh, great existing short term accommodation options and hotels in Byron, but the majority of the demand for visitors coming to stay short term in Byron is met by, uh, the likes of Airbnb, Stayz, uh, and letting agencies offering, uh, existing housing dwellings, uh, as short term. Um, so, f- we're very much in support of the proposed policy to limit residential housing being offered as short term accommodation for a number of reasons.

Firstly, our constru- construction contract, uh, costs have increased enormously since we purchased the site in early 2021, um, due partly to COVID and inflation, of course, but also the lack of short term housing for our staff managing the project, uh, and also our builders' staff that are, that are managing the, the construction of the project. They just simply don't have access to short term accommodation to, to nearby Byron. They have to look at accommodation options, uh, more broadly, uh, and that adds time and cost in terms of, uh, commuting in and out of Byron.

Um, the project also involves ... Our project also involves a partnership with Raes at Wategos. Um, for those that know Raes, um, much loved, um, uh, hotel offering at Wategos. Um, they will be managing the hotel apartments on completion and they will also offer their highly regarded food and beverage service on the ground floor. Um, the hotel and restaurants on completion will involve more than 100 staff, um, full-time staff operating, uh, the hotel, um, and us and Raes, you know, don't currently have a solution for where we're gonna house staff that are gonna be employed, uh, in the hotel on completion, um, due partly to the lack of, uh, supply of, of long term housing.

Um, the Airbnb and Stayz models don't off- offer the same level of service managed by hotels and motels. Managed hotels and motels employ locals and offer fantastic service for visitors, and ultimately wh- ... I know visits ultimately come back, uh, to Byron again, which promotes the growth and sustainability o- of local businesses. Um, so, with that said, we're of the belief that the current system doesn't work. It's not regulated. It's not fair on local businesses and it's restrictive to people seeking long term accommodation solutions in Byron and the broader shire. Uh, I therefore call on the Commission to support Byron Bay's, uh, Council's, um, proposal for limiting, uh, short term accommodation, uh, limiting, um, uh, uh, hotel, holiday letting in, in housing stock. Pardon me. Thank you.

COMMISSIONER COAKES:

Thanks, Mr. Grassi. Any questions? Pardon? No?

COMMISSIONER MACKAY:

I'm fine.

COMMISSIONER COAKES:

Good. Thank you.

LUKE WATERSON SC:

Uh, next, we have Mark Swivel.

MARK SWIVEL:

Thanks for the opportunity to speak today. I'm a councillor at Byron Shire. I'm also, uh, the principal of a law firm called Barefoot Law. We do a lot of, uh, tenancy work, a lot of work with people effected by the housing crisis here, whether that's people being evicted from holiday parks, some of which are owned by Council, whether that's women escaping domestic violence, whether, uh, it's people who can't afford to live here anymore after a relationship breakdown. So, I'm kind of in the teeth of the gale every day dealing with the human reality of this crisis.

Now, two years ago nearly, uh, the Shire Council declared a housing emergency. Now, given that English is my first language, I understand what emergency means. We've done precious little in terms of an emergency response to the housing crisis. You can see in our response to the flood, uh, the mega flood as Liz described it earlier, how slow government is to respond. 10 months it took for pods to emerge over many community objections, a contested, uh, project in Mullumbimby, uh, and it has hairs on it. But at least the pods are there. Some people are being looked after.

In any event, we need that kind of approach and have done for a long time since the emergency was declared. We need that kind of nimble, if that's what it is, response. We need, and I would suggest that the Commission strongly consider recommending that that kind of model be employed in responding to the challenge that this community faces. We need key worker housing in and around our industrial estates using that sort of model. We need homelessness solutions, uh, and effective women's refuge solutions. All of these things, of course, creates security issues. But we need to respond in that way, uh, and I'll be writing an extensive submission, uh, to the Commission on these themes.

I think more broadly, we need to realize, too, that our planning instruments, in the sense of strategic planning instruments, need an upgrade. We have no real pipeline in this community to fulfill the projected demand of at least 3,000, uh, new dwellings for the community over the, uh, horizon of our, uh, residential strategy, so-called. Uh, that needs to be signed off and aligned with the regional plan, of course. And when we do that, it ought to be upgraded so that we have more like 5,000 to reflect the real demand that there will be in this community. You can see my theme, Commissioners, that if you're dealing with a housing crisis, you ought to respond with housing.

I'll leave it at that, and let's turn to STRA because STRA, of course, needs to be regulated and ought to have been regulated from the outset. The genie, to a large degree, sadly has been let out of the bottle. Now, if we're starting with a blank slate, bearing in mind that I did vote for the planning proposal, I would, uh, use a slightly different model. And given that this is a Commission, uh, whose terms of reference are broad and you have an inquiring mind, I would suggest that we consider a moratorium on STRA for all, uh, purchases, all sales from, say, the 1st of January next year for a five year period. So, if you're buying into this community, you can't do STRA at all anywhere.

Despite, uh, the reasonable concerns expressed by people like Paul Schultz, I would also require DA approvals for all STRA, uh, usages. I would also suggest that the precinct system doesn't quite



work. It's unfair on some people, uh, particularly in places like Brunswick Heads where you have a kind of STRA apartheid. One side of the main drag, you can do it. On the other, you can't, 365. I would also introduce a GST style turnover tax, uh, for un-hosted STRA properties, 10% of annual turnover and I'll explore all of those, all of these ideas more in my written report.

But also, if we're gonna have a data based approach, uh, to this subject, we nearly, really need to get serious. The Urbis Report says there are over 5,000 un-hosted properties. The register controlled by the DPE says barely 2,000 including un-hosted. Now, that is a hell of a gap, uh, however you look at it. So, I think that's a key issue. And even today, I think it was Deb Summons, uh, you know, raised a, a question around that. I have no idea what the correct number is, but that's the point.

COMMISSIONER COAKES:

Thank you, Councillor Swivel. Any questions?

COMMISSIONER MACKAY:

Yes, please.

COMMISSIONER COAKES:

Yes, Richard.

COMMISSIONER MACKAY:

Um, thank you, councillor. Can I, can I firstly just clarify, are you making these remarks as a councillor, or as a lawyer?

MARK SWIVEL:

Well, as I'm constantly reminded, I can no longer draw a distinction. Whatever I say and whatever tickets I might accept for an event, I need to accept my role as a councillor. So, look, I, I, I have no brief representing the Council. So, as a councillor, if I speak in public, uh, then, you know, you, you can assume that I'm saying that as a councillor. As a lawyer, I would have a bunch of exceptionally nerdy observations to make about the drafting of the SEPP-

COMMISSIONER MACKAY:

And just in, in terms of your remarks on the housing strategy, it's, it's been said by others earlier today that the problem is not a supply problem, it's an availability problem. Uh, ca- th- can the Commission correctly understand what you're saying that in fact, the, the, the bigger issue, the greater priority is actually the housing strategy and, um, through it, availability of long term rental and that the STRA is a, is a shorter term, um, challenge along the way? Have, have I understood you correctly?

MARK SWIVEL:

No, no, no. I think that's right. I mean, STRA is a problem, let's be clear. It ought to have been regulated from the outset.

COMMISSIONER MACKAY:

Mm.

MARK SWIVEL:

The real difficulty then becomes in terms of taking legislation seriously, any retrospective legislation. Uh, like, it used to be frowned upon, uh, you know, it was practically anathema. But now, we look at these things and, and there's a, there's a reasonable case here to make retrospective legislation, provided it's as fair as can possibly be. But the, the larger issue that this community should be addressing is the failure to create a long term plan for housing for this community over the last two decades and for the next two decades and beyond. That's the real issue. There is a lack of land that's available to Council. Like, the meta problem for town planning around Australia, self evidently, is the lack of availability of affordable land that government can relatively easily access, control and develop, because that's the history of town planning in Australia. A lot of people don't appreciate that, that government has led community development, uh, especially after the Second World War. And so, the inability to do that is the key meta factor in all of this.

Having said all of that, there are opportunities. We, we identified 15 sites where we could potentially put flood effected residents, uh, after the mega floods. Now, if we're going to identify those sites for that purpose, we could use them for another. And again, if it's an emergency, let's respond in a fair dinkum way like it is an emergency and State Government especially and th-working with this community should respond, uh, appropriately. I mean, we've got Landcom doing one project here, which in the, in the predictable way is contested, has problems, surprise. Uh, but it seems to me to be a good project we ought to support and we should replicate those sorts of projects, uh, over community objection, but working with community. And I think that we should engage with Landcom so that they could play a more proactive role in solving this problem working in partnership with, uh, social housing providers and, uh, and housing providers to, to deal with the challenge we face, the crisis we have and to deliver the social outcomes we want.

Of course, the real issue here-

COMMISSIONER MACKAY:

I, I, I might just stop you there.

MARK SWIVEL:

Yep. Sorry. Yeah.

COMMISSIONER MACKAY:

I, I think-... you've been very clear in terms, in, in terms of answering my question.

MARK SWIVEL:

Yeah.

COMMISSIONER MACKAY:

I've just got one more quick question and I, I think this one can have perhaps a concise answer-

MARK SWIVEL:

(laughs)

COMMISSIONER MACKAY:

... which is-

MARK SWIVEL:

Good luck.

COMMISSIONER MACKAY:

Well, you, you said very clearly you thought the precinct approach was unfair.

MARK SWIVEL:

Yeah.

COMMISSIONER MACKAY:

D- Do- Does that mean you think the precinct approach should not be pursued, full stop, or a different precinct approach?

MARK SWIVEL:

Look, I, I, I mean, I, I think if you require DAs-

COMMISSIONER MACKAY:

Mm.

MARK SWIVEL:

... then you would ... I- If you, if you had a moratorium for five years, if you had DAs, if you had a levy system that taxed these businesses' commercial activities as the businesses or commercial activities that they substantially are, then you would achieve the objectives of the 90 day, uh, cap based planning proposal.

COMMISSIONER MACKAY:

Without precincts.

MARK SWIVEL:

Correct.

COMMISSIONER MACKAY:

Thank you. Thank you.

COMMISSIONER COAKES:

Thank you.

COMMISSIONER GRANT:

I have ... Sorry. I do have one question, picking up on your, um, comment about the, the Residential Strategy, and you made the point that there was no pipeline to find the 3,000 dwellings that, that were required. Um, in the Residential Strategy, I understand there are some sites identified for future investigation and some sites-

MARK SWIVEL:

Yes.

COMMISSIONER GRANT:

... already zoned, but not brought to market. Are you able to elaborate on why you think it might be that those sites haven't come to market or why we haven't been able to progress release of those additional sites?

MARK SWIVEL:

I, I, I think there's a, a lack of focus on delivery. I think that the, uh, emphasis within local government here has been on identifying opportunities, on, uh, providing lists of those things and then ultimately, you have a culture that gate keeps the planning process, rather than works towards delivering actual real life planning outcomes. And I think to be fair, uh, there's been a bit of that, um, that cultural shift within local government generally across the state. Uh, but I think there's ... The time's come for a more proactive approach. I think that Byron Shire, for example, should be considering, uh, taking some of these opportunities and creating model climate change adapted villages.

You know, we, we talk a good game about being a green community, but we're not really leading in terms of modelling what the future, uh, cities of this country or villages of this country would look like. I would like to see a much more proactive approach, uh, a- and I would like to see, uh, a, a real awareness of, of the possibility of what we can do, ra- rather than thinking that the objective must be to keep Byron as it's been, because it's a very retrospective vision that this community has. It's a kind of steady state approach, and I think ultimately, that results in a number of bad developments across the community, the ones that are, are prepared to battle through the legal system and get the result. But I think if we, if we plan for a green future, we can achieve one.

COMMISSIONER GRANT:

Thank you.

COMMISSIONER COAKES:

Thank you. Okay.

LUKE WATERSON SC:

So, now we have Karen and Tony Cavanagh.

KAREN CAVANAGH:

Thank you. Dear Commissioners, Panel Chair Sheridan Coakes, Commissioner Richard Mackay and Commission Juliet Grant. Before we start, we would like to pay respect to Elders past, present and emerging and to any Arakwal people and people of the Bundjalung area who may be here today. We thank the Commissioners for the opportunity to speak.

Our STRA is professionally managed and we rely on a trusted team of a local company called Byron Beach Realty to manage our house in a good way for the provision of strata to ... Or STRA to families. We normally rent around 160 to 80 days in a given year. Byron Bay was and is an important meeting place today and is one of the most popular locations around the Australian coastline. Byron Bay should be sh- a shared resource and visitors should not be unwelcomed as Byron Bay is a tourist town. The largest employees, according to the latest ABS stats are cafes and restaurants employing 900 people, 5.4% of the workforce, the accommodation industry employing 684 people, 3.1% of the workforce, hospitals employing 487, 2.9, other social services, 466, 2.8, and other allied health ser- services actually employee 346, 2.1%. Not to mention the retail stores that rely on tourism.

This pattern has been evident for a long time in the ABS stats since about 2001. All families should have the opportunity to visit and experience the beautiful area. Families need holidays housing as they need more space. Trying to fit a family of 11 in just a room with an en suit that a motel or hotel or an apartment can provide. Denying holiday houses means denying families affordable holidays.

I just want to just re- recoup over a, a, a nice comment we got on our website, uh, from people that stayed in October 2022. It's from a person called Michael D. Uh, I don't know him. He says, "It was a very lovely place. Clean, spacious and tropical. My whole family of 11 were accommodated and it is not ... It was not far from the city centre of Byron. It h- ... Everything was supplied. You wouldn't want for anything."

All investors of STRA are not affluent as people a- have suggested, or as Byron Council has suggested. STRA people negatively gear and make losses. We have never made a profit in 12 years. The property barely breaks even. Affordable housing is a national problem and th- the only place in all of Australia trying to achieve an outcome is Byron Bay by limiting STRA to 90 days. Why do they think this will be successful when the very people they are trying to help will be denied income?

We pay \$50, 000 a year to local residents for various work and commodities. In addition, the families that rent our property likewise add to the local economy and the cafes and shops, and yet, the 90 day policy will deny that revenue to those workers. They are doubly affected by this strategy. The people Byron Bay Shire Council you say are trying to look after are now put in a worse position. The federal government is now trying to solve the national issue of affordable housing by working with the superannuation funds. Piecemeal policy by Byron Bay Council is at odds with a national approach. Superannuation funds could offer the future option of investing in affordable housing, offering a government backed, low risk, secure return.

Tony, my husband, is sitting next to me. He's on the Care Super board, representing the Australian Services Union and has recently written a paper which has been submitted to the government on behalf of the Australian Services Union on the issue of superannuation funds financing affordable housing in the future. If Commissioners are interested, we can contact you at a suitable time and Tony can go through the, uh, the model with you.

Our experience in the gated community of Suffolk Park is that tenants that have caused the most trouble are the long term renters. STRA can also have problems, but there is a better way to

manage problems by having an accredited qualified agent to look after the property, including extending HLO. We sought legal advice at the time of the purchase of our, our STRA in 2010 from a local law firm, S&P Lawyers, Stuart Gra- uh, Garrett, regarding legality of STRA. And the 90 day cap is unfair as it is a retrospective policy affecting people's investments that were made back at the time.

LUKE WATERSON SC:

Can you ... Excuse me.

KAREN CAVANAGH:

The retrospective policy ...

LUKE WATERSON SC:

Sorry. Just do- don't, don't tell us what legal advice you got in this forum. Just keep, keep it confidential. I ...

KAREN CAVANAGH:

Oh, okay. Uh, sorry. Um, we'll have to retract that. But, um-

LUKE WATERSON SC:

Yep. That's all right.

KAREN CAVANAGH:

But anyway, we got legal advice at the time.

LUKE WATERSON SC:

Yes.

KAREN CAVANAGH:

Okay. Um, the retrospective policy does not assist anybody in making decisions. With respect to hosting, this is a descrim- is discriminatory to people who live in other states, even though they pay rates and land taxes. Okay. Um, I'll just finish here.

Uh, look, with Byron Shire has identified the following issues. Too much STRA, shortage of long term rental, shortage of permanent rentals, shortage of affordable housing, rising homelessness and need to accommodate local workers. Clear thinking is needed. It is ill-conceived to talk about all these headings in one Byron Shire planning report about STRA. It minimizes the importance of each issue requiring separate policy. All the topics are very real and have very different issues. Thank you.

COMMISSIONER COAKES:

Okay. Thank you, Ms. Cavanagh, and if you ... And a- as we've said previously, if you want to attach any additional information to your submission, um, uh, that would be appreciated. Okay.

KAREN CAVANAGH:

Yeah. You might not want that. It's very long. (laughs)

COMMISSIONER COAKES:

Okay. That's fine (laughs). That's fine. Any questions from the Panel?

COMMISSIONER GRANT:

No.

COMMISSIONER COAKES:

No.

COMMISSIONER GRANT:

Thank you.

COMMISSIONER COAKES:

Okay. Next speaker.

LUKE WATERSON SC:

Uh, we have Christopher Kerin.

COMMISSIONER COAKES:

On?

LUKE WATERSON SC:

On video.

CHRISTOPHER KERIN:

Everyone hear me?

COMMISSIONER COAKES:

Yes, thank you.

LUKE WATERSON SC:

No, we can't.

COMMISSIONER COAKES:

Whoops. Oh, we can't.

LUKE WATERSON SC:

We can't hear you now.

CHRISTOPHER KERIN:

Okay. Is that better?

LUKE WATERSON SC:

Yep.

COMMISSIONER COAKES:

Yes.

COMMISSIONER GRANT:

Yes.

CHRISTOPHER KERIN:

Great. Sorry. Um, thank you for the time and to allow me to speak this afternoon. Uh, my name is Chris Kerin. I'm the managing director for Asia Travel Technology Industry Ass- Industry Association. Uh, we are an association, uh, that stretches across Asia. Uh, we represent members, uh, such as, uh, Booking.com, Airbnb, Agoda, uh, Expedia, Amadeus, Travelport, Skyscanner etc. Uh, so, we, we have had a lot of experience across the region in terms of working with, uh, governments at different levels of, of national, state, uh, regional etc, um, and I, I would say that, um, what we're talking about today is, is no different to, to what we see in other countries, um, in terms of, um, impact on STRA, um, on housing affordability etc. Um, so, I, I just want to kind of start off on, on some of that.

Um, we had submitted in terms of a, a response, um, as part of the process, uh, so I will stick with, uh, the main points, uh, of the, uh, the documentation that we've submitted. Um, I think that a lot of the points that we are discussing, there has been a, a lot of discussion already, uh, mainly around ... Um, th- the first couple points are, uh, the release or, or releasing, uh, some of the investments of the STRA properties back onto the market, um, is not necessarily going to fix the problem mainly, um, around the affordability.

Uh, I think earlier at the beginning of the session ... Is it Sarah? Uh, in the day was talking about, uh, the cost of, uh, the properties that are available on the markets, um, is just getting too high. Uh, the percentage, uh, that I think has been brought up, um, of the available mark- market that could be released as, as part of STRA, um, is not really a high enough volume that's going to drastically bring down that, uh, affordability. So, uh, I don't think that STRA cap on, on a 90 day limit is, is really going to fix that issue.

Um, when we are, uh, looking at, uh, at, at making these reductions, uh, to 90 days, obviously the number one impact that we are thinking about is the impact on tourism dollars, uh, and knowing that the, that the Byron, uh, Shire is heavily dependent on, on tourism dollars, uh, and obviously that balance on how much economic impact you're going to have at the local level. Um if you're reducing tourism dollars, uh, are you going to be, uh, driving tourists away? Which is going to make, uh, local businesses very difficult to continue to operate, uh, especially when you get into hospitality, uh, hotels etc, uh, and that is, is obviously a major concern as well.



Uh, the, the third point that we wanted to, to raise up, uh, around what we believe is, is one of the true-... uh, around what we believe is, is one of the true root causes of, uh, of this issue, uh, is actually around the underinvestment of, uh, affordable housing. Uh, and I think when we look at some of the reports that have been produced over the last, uh, couple of years, uh, back in, uh, 2022 of, of June, there was a, a report by the name of Give Me Shelter, uh, launched by Housing All Australians. Uh, and in this, it, uh, it, it showed around the country's population growing over 25% from 2001 to 2016, um, however, the stock of social housing fell by 2.5% in that same period. So while you've got a drastic increase of, of population, you've got a decrease in social housing.

Uh, when we look at the social housing relative to all dwellings, uh, it has actually dropped from 6%, uh, in 1996 down to 4% today. Uh, so again, these are a couple of statistics and reports that have been brought out to show, um, that the in- investment in affordable housing by, uh, councils, uh, just hasn't been there and, and hasn't been enough to be able to support, um, increasing populations or, or just increasing rises on, on housing.

Um, when we ... Sorry. Uh, when we look at, um, uh, one of our fourth, uh, points in here was talking about some of the anticipated economic, uh, social impacts. Obviously, we don't really know, uh, a- and Byron is in that position where, um, it is one of the very few, I think one of two regions around the state, uh, that have been given some flexibility to be able to try a proposal like this. So, um, what we, we do believe is obviously, as I mentioned before, uh, automatically releasing, uh, some of the short-term rental, uh, accommodations or, uh, properties back on a, a long-term rental market, the volume is not there to be able to have a major impact on the pricing, um, and we don't think it's gonna resolve the issue. Uh, another thing that we, uh, have highlighted is that as part of the, uh, the report that the, the, the Council has been making its decisions on, mainly via this data, uh, I think, uh, Mark Swivel, uh, had made a point on this before around some of the drastic differences in data that we are seeing. Uh, so when we look at the reports saying that there's over 5,000 properties, uh, but when you look at the, uh, unhoused, uh, unhosted property registration in 2022, uh, that number is actually 1,136. Uh, so to go from over 5,000 to just over 1,000 is a significant difference, uh, and we would urge that, uh, if this, uh, Commission is going to, um, uh, reas- uh, review, uh, this proposal, it really needs to be looking at, uh, getting multiple sources of accurate data, uh, to be able to base its decisions on.

Uh, and then the last one, uh, that we go into is, uh, from our members' perspective, uh, and one of the things we do see across the region and other countries is when you get a regional, uh, council or, uh, area that is making policy changes which is different to a state level, which is then different again to a national level, the complexities, again, are enormous. I, I, I think everybody can appreciate that, uh, but on, on behalf of the members of the association, uh, for them, who are some of the predominant, uh, platforms that duel out for these tourism villas to be coming in, the changes that needs to be made to adapt for a regional version versus a state version versus a national version are very, very significant. The amount of investment, the amount of complexity that puts in, um, onto these platforms, um, is, is quite significant.

Uh, and when, when you look at the people who are actually wanting to travel, having to deal with, uh, different regulations within a very, very, you know, small regional, um, not a small regional area, but within a state, and then having a, another subregion in it that's got different policies, it is extremely confusing. Um, and that's going to add, uh, a, a lot more complexities into how things are going to be done. Um, and the, the videos in these areas is really good to, to look at what the state level is doing, uh, and try to work with them, uh, as opposed to making drastic changes on a, on a regional basis.

Uh, those are the main, uh, items that I wanted to cover off today. Like I said, we have submitted the documentation in, um, if there are a- any other questions, we'd be more happy, um, to, to be able to discuss.

COMMISSIONER COAKES:

Thanks, Mr. Kerin. I think we have a question from Richard.

COMMISSIONER MACKAY:

Um, yes, thank you, Chair. Um, thank you, Mr. Kerin. Um, I, I'd just like to invite you, if I may, to provide any data about the affordability comments you made. In the documents before the Commission is, um, a peer review report by Professor Phibbs, which says very clearly that even a, a small adjustment has quite a dramatic, um, increase in terms of, uh, driving rental prices down. Uh, it's common ground that there are a range of views about what the effect of a 90-day cap might be, uh, and, and there's different, um, perspectives on that before the Commission, but I don't think anyone is saying there would be a no return of long-term rentals, uh, if the 90-day cap would be applied. And what Professor Phibbs seems to be saying is that even a modest return of long-term rentals would actually put down, would pressure on rental rights in Byron Shire.

So that doesn't seem to be, um, quite consistent with your earlier remarks, and therefore I'm providing an opportunity if you'd like to put some evidence before the Commission that suggests otherwise, please.

CHRISTOPHER KERIN:

Uh, sure. Well, actually, I'll, I'll give you an example of the discussions today. So, if you ... Let's, let's take, um ... Let's, let's take out the numbers. Um, so you've got, um, I think, uh, Michael Grassi was talking before around, uh, doing new developments within the area, uh, and one of the consistent themes that we're hearing about is the fact that people who are working locally, uh, are not finding any of the affordable, uh, uh, a- affordable accommodation, uh, and living.

Now, if you've got, uh, new property being developed in there with new jobs being created, fantastic for the local community. You're increasing the volume of people who are going in there. Now, if your volume, uh, of population is increasing at a much faster rate than what the accommodation availabilities, we may have on market, you're not really solving that problem. What you're actually going to do by driving more people in there is you're just going to put more pressure on that.

And as, the, the comments that I was making before was that the volume of the short-term rental, uh, properties being put back in there is not going to be significant enough to accommodate, further driving increase in population.

COMMISSIONER MACKAY:

Yeah, uh, well, thank you. I, I draw your attention to the Phibbs report, um, which suggest otherwise and, and, um, provide, um, ATTIA with an opportunity to present some contrary data. Thank you.

CHRISTOPHER KERIN:

Sure.

COMMISSIONER COAKES:

Thank you, okay.

LUKE WATERSON SC:

Uh, Belinda Lewis our next speaker on video.

BELINDA LEWIS:

Thank you. Good morning, Commissioners, and thank you for the opportunity to speak. Uh, many people in our community have wanted to speak, but they just could not face the trauma and exposure. The mental health impacts of ongoing stress and conflicts associated with unhosted STRAs are severe and widespread.

I'm a member of the Byron Shire community, so are my adult children and my grandchildren. But before I start my presentation, I'd just like to share a personal story by one of those vulnerable people who's found it incredibly difficult to participate in any of this process. She falls into that group described in the introduction by Sarah of women of 50. She's living alone. She is a local health professional for whom neighbouring STRAs are life-threatening. She grew up here. She studied uni in Sydney and returned to start building a life here.

But at 30 years old, a time when most young people are looking for love and hoping to build a family, she received a diagnosis of a severe and devastating, life-threatening health condition, and she spent the next 10 to 15 years with multiple surgeries, multiple organs, multiple treatments and therapies. Her health is stable, but very fragile. She spends her time working part-time as a health professional when she can, wildlife rescue and carer. Has a kind, gentle, quiet life, focusing on staying well enough to share her life with friends and family.

There are five STRAs within 50 meters of her home. Immediately beside her, the STRA sleeps 12 people, so it is common for full cars to pull up at any time of the day or night. Yesterday she tells me a minibus arrived and out flowed many more than 12 people. There is constant noise day and night. She is treated with aggression and abuse when she registers any concerns, not only by the people staying there, but when she tries to register concerns with the managing organization, who I won't name, but they know who they are.

She rarely gets a clear week with nobody there. There's disturbances, meaning that she can't sleep properly, but her days and nights are interrupted. In her own home, she needs to wear ear buds playing the sounds of the ocean, which is ironic in Byron, or meditation tapes so that she can feel as though she has some kind of privacy and peace.

I asked her what she wanted me to say to the Commission, and that is, "Firstly, that I'm so relieved I'm not alone, and that today we're hearing that other people are feeling p- equally vulnerable. I am constantly fearful, and I dread coming home, especially on a Friday. My home is no longer a safe space. Everyone needs a home, and everyone in Byron needs to feel safe."

So this woman, my friend and neighbour in my community is one of the main reasons I support Byron Shire's registration or regulation of STRA and I commend the huge research and community consultation and policy-making achievement of what has happened so far with the shire. I wanna think the other speakers for their information and clarity and their passion about the need for urgent action.

I'm pretty sure the Panel has detected that there is very deep emotion, trauma, and damage, and a fierce commitment to see change enacted. I'd like to speak briefly with my remaining time about the impacts on community well-being because I'm a health anthropologist, and I've worked the last three years with Communities in Crisis, uh, particularly around the impacts of mass tourism on health and community well-being.

Today, we've heard about, from people damaged and traumatized by a STRA, and also those whose livelihoods are dependent on STRA, and they are also deeply concerned about the future for their families, workers, and neighbourhoods, and some of them are my friends. I implore the formal regulated tourism and hospitality sector to engage with these people and their vast managing experience during the transition because it's going to happen, it has to happen, and it's happening all around the world. Dwellings are being taken away from STRA and made back into homes. It's inevitable, and we're all in this together, and we need to emerge from it together.

Unfortunately, there have been massive and ongoing language wars over territory in Byron, and there's been fearmongering and community division has been rife. There is plenty of evidence for the Commission if you want to hear about people's lived experiences. Liz Friend, Byron Deserves Balance, Byron Residents' Group, Victims of Holiday Letting, and many others. If you want to make an evidence-based judgment about where community members have an equal voice with strong vested interests, I implore that you go to Byron's community consultation on our process. You go to those organizations who have gathered vast amounts of data and people's voices. There are more than 4,000 comments about how this is affecting their lives and what they think the solutions are.

At a policy-making language level, STRA is amplifying the social determinants of health problems in our shire. It is undermining local people's sense of identity, community, belonging; it is undermining social capital where people feel connected, they help one another, they feel bonded and belonging in our neighbourhood; and is also undermining social cohesion in a very serious manner. Social cohesion depends on trust and fairness, inclusive of diverse people and families, but ... and where people look after each other, and we're all given participatory opportunities around decision making. I'd like to thank the Commission for allowing me to go briefly over time and I implore to support Byron Shire's proposal. Thank you.

COMMISSIONER COAKES:

Thanks, Ms Lewis, and thank you also for sharing your friend's personal story there. Any ... No more questions? Okay. 'Kay, well, that brings us to our afternoon tea break, and I suggest that we come back-

LUKE WATERSON SC:

Seven past 3:00?

SHERIDAN COAKES:

About seven minutes past 3:00, if that's all right with everyone. Thank you.

LUKE WATERSON SC:

Our next speaker is Holly English.

HOLLY ENGLISH:

Is that right?

COMMISSIONER COAKES:

Yeah.

HOLLY ENGLISH:

Okay. Okay. Um, I was lying down before, if any of you were here, um, because I have a disability. I've had seven surgeries in three years that have failed, so it's not just 'cause I'm lazy. And then I stormed out because I was upset by someone, um, on the Zoom saying that long-term local renters cause a lot of destruction, and it triggered me because I've lived here 30 years since I was a teenager and have been a long-term local renter with a lot of respect for any of the homes I've lived in. So this is my speech:

I've lived in Byron Shire for 30 years. A long time ago, I had my first experience of what was to come. A friend's sister from Sydney bought a house in Suffolk Park, completely renovated it, and then holiday-letted it. She'd never lived in it. It was purely bought for holiday letting as an investment. She already owned several properties in Sydney. My friends and I were all renters in share houses. We were outraged. A while la- ... A while after that, my friend and I, friends and I noticed a sharp uptick in people from out of town buying up properties, renovating them, then holiday-letting them. We were very concerned, but the situation worsened.

Since then, most of my friends have had to leave. They can't afford to live here. Some of them grew up here. I'm still here only because I live out the back of my mom's house in a tiny flat connected to her house. I have a disability. I have friends with disabilities, and I've ... I have a disability. I have friends with disabilities and I have elderly people in my life.

The biggest issue for me is the social cost of not having a community. Not having the support of the community, not having the carers, volunteers, SES Disaster Responders, increasing issue and need with climate change. Paramedics, nurses and even shop assistants, where we buy our food.

Not having a sense of care and consideration for our fellow community members, because well... There simply isn't a community anymore.

For us folks with special needs and low to no budgets, who will be- Who will be there for us? It won't be the tourists, that's for sure.

There is another... People without housing have lost their basic human rights. To have a safe roof over their heads. Without a stable home, mental health issues skyrocket. The stress of rep- precarious or no housing situation, means people are already overloaded and cannot address their health, family or work issues. Let alone afford food or school uniforms.

There is also a demographic of people in the Byron Shire, who simply haven't survived the housing crisis. Some of us local-know people who actually died.

There or... Are people struggling so badly, addiction is on the rise. Who would want to live in this reality? We can't even help each other because we're just struggling so hard just to survive.

This systemic problem of unsustainable communities will cost us and our already strained health services to the brink. Even low-cost housing is now being used for Airbnbs and short term holiday letting. My neighbour's house is an Airbnb, 5 meters from my window. They don't let the holidaymakers tell that pers-They don't. Sorry... They don't tell the holidaymakers that a person

with a disability and chronic pain lives next door. So perhaps, don't scream drunk at 10:00 PM and come home and put the music on at 3:00 AM.

You may suggest I move to Taree if I want my independence as a middle-aged woman with a disability. I'm 47-years-old. And to, "Get away from the noise." But what people don't understand, is how important it is for disabled and disadvantaged people to have their support networks of friends, family and their team of medical specialists and support networks. Which have often taken years to be cultivated.

And on the note of tourism, people have created more tourism businesses, which creates a need for more tourists. I have met so many people who have moved here, to cash in on the tourist trade, including real estate agents, build on it and then complain when there is a downturn.

Why is progress always seen as a positive thing? Eternal progress on the macro-level is destroying our planet. And on a micro-level, our town. We should be aiming for sustainability and maintenance of community, culture, diversity and care in our shire. Not bigger, bolder, beiger.

I can also tell you that the lack of parking, the negative impact on roads and infrastructure, our precious, natural ecosystems downtrodden with beach parties and excess foot traffic in areas of sensitive biodiversity and dune erosion. We have enough tourism here. And the good news is, we already have registered CBD holiday apartments, hotels, campgrounds, we really do have enough. Our town should not be governed by greed.

I support the 90 day cap. I think it's a modest proposal. If we make buyers know that they have limitations, it may attract more community-minded buyers and investors, to rent us homes to people in our community. Or even better, maybe it would be open-open the market a little more for locals who like to live in and own their own home one day.

I would like to end by saying that numerous studies have shown that being engaged in community is central to the human experience, and gives us a sense of belonging. And in this world of endless crisis and a climate emergency, we need community now more than ever.

Thank you.

COMMISSIONER COAKES:

Thank you, Holly, for sharing your personal story with us today. An-No further questions? No, all good.

HOLLY ENGLISH:

Oh sorry, you have questions?

COMMISSIONER COAKES:

Thank you. No, but thank you.

HOLLY ENGLISH:

All right.

LUKE WATERSON SC:

All right, so next we have Nick Rojo.

COMMISSIONER COAKES:

Ah yes, okay.

LUKE WATERSON SC:

On telephone... I think. Nick? Hi, go ahead.

NICK ROJO:

Oh hi, look... thank you for [inaudible] I... Can you hear me okay?

COMMISSIONER COAKES:

No, you're breaking up a bit there.

Let's... Try again.

NICK ROJO:

Hello?

COMMISSIONER COAKES:

Yes. That's clearer.

NICK ROJO:

Oh okay.

I just wanted to, um, talk to you about my business and how it's changing for the last few years... And the impacts that the 90-days restriction will have.

I have a maintenance business in Byron Bay and... The surrounding areas. Uh... Obviously, Byron Bay's changed a lot. And prior... Prior to sort of influx of tourism, I had three staff working for me. Um, I have a pool maintenance business in the area. Uh... I've been able to employ, nine people now. And offer them permanent work.

I think... That if we restrict it to 90-days, it's gonna make it very difficult for me to manage the workload periods. And the long periods where it's busy, obviously allows me to plan for that and take uh... in many staff. But that would... I think that'll impact my business to the point where um... Employing people on a permanent basis or many people on a perm- basis anyway, would be [inaudible]. So [inaudible].

COMMISSIONER COAKES:

Nick. Um...

NICK ROJO:

Yep.

COMMISSIONER COAKES:

Sherie Coakes here. We're just struggling to hear you, Nick. It's just breaking up.

NICK ROJO:

Okay.

LUKE WATERSON:

... Took himself off speaker, maybe?

COMMISSIONER COAKES:

Can you... Maybe if you took yourself off speaker?

NICK ROJO:

All right, is that...

COMMISSIONER COAKES:

That might be...

NICK ROJO:

Is that any better?

LUKE WATERSON:

Yes.

COMMISSIONER COAKES:

Yes. Much clearer, thank you.

NICK ROJO:

Oh, sorry about that. Sorry about that.

COMMISSIONER COAKES:

No, not at all. That's fine, please-please continue.

NICK ROJO:

Oh yeah (chuckle) Uh, Should I... Should I try and stumble over all that again?

COMMISSIONER COAKES:

I think it might be helpful. If we just went back over... I think we-we...

LUKE WATERSON SC:

When you-when you... From when-



COMMISSIONER COAKES:

Yes.

LUKE WATERSON SC:

... I think you were talking about it being difficult to manage your workload?

COMMISSIONER COAKES:

Yes.

NICK ROJO:

Yeah... Think... I-I'm... I try and employ people, um... I try and give people a full-time job rather than employ casuals, because... My line of business, it's very difficult to rely on... You know, training to get staff, or-or whatever. Um-Um, I can't manage them, I have people, uh, in vehicles that I can't always be with.

And having restrictions on... My business is grown from employing three to four people to employing nine people permanently. Uh... And we based that growth around, um, helping... Or being employed by companies like, um, A Perfect Stay and the short term rental, uh, market.

So... I figure, if we have restrictions on anything, in terms of 90-days, that would impact my ability to employ somebody permanently. Because with, you know, with the peaks and the troughs, I can't keep them employed... Obviously, it costs me money to employ them. And I can't-I can't have them... If there's no work, I can't employ them.

So, we-we've sort of... We're looking at going backwards if-if-if there's any type of restrictions on... I mean obviously, if it comes in that's gonna be an issue. But, I-I'll probably have to offload three-three to four staff and try and predict when it's gonna be busy and when it's gonna be quiet (chuckle). Which makes it pretty difficult t-to meet customer expectations. An-And, you know, they pay big money when they come into town. They want... Their pools cleaned, they want everything clean. But if there's no staff available to do it... You know. It gets pretty difficult to run a small business.

And we don't... No-Not-Not at our-our entire business was not based around short term rentals. But I would say, 70% of it is. And... I can't see... Me being able to employ nine people if there's big restrictions on... Holiday rentals.

COMMISSIONER COAKES:

You finished... Have you finished, Nick?

NICK ROJO:

Yeah.

COMMISSIONER COAKES:

Okay, thank you.

Uh just a-you've sort of clarified the question I had was... What proportion of your business was dependent on short term rentals, so you said 70%.

And-and just another quick question, Nick. In terms of your distribution of your work, is that very much across a 12-month period?

NICK ROJO:

Yeah, it is. We-We-We obviously peak a bit in summer because people don't normally get into a pool in July. But um... You know, we have spas and stuff like that that offset that. And-and often where-where they're booking places in summer time, they'll book a place for a spa in winter.

So... Yeah. Our work is 12 months of the year.

COMMISSIONER COAKES:

Mm. Okay. Thank you, Nick. Any further questions from the Panel?

COMMISSIONER MACKAY:

No.

COMMISSIONER COAKES:

No? All good.

Thank you very much, Nick-

NICK ROJO:

Thank you very much.

COMMISSIONER COAKES:

... For joining us today.

LUKE WATERSON SC:

So I think now we've got Meryl and Scott Kershaw, on the video.

SCOTT KERSHAW:

Thank you, uh... Good afternoon, everyone.

It's Scott Kershaw, speaking. Um... Is that sound coming through okay?

COMMISSIONER COAKES:

Yes, very clear. Thank you.

SCOTT KERSHAW:

Okay, look. Um, firstly let me say t- thanks for the opportunity to put our views to the-to the, uh, public hearing. We really appreciate that.

And, uh, can I say that I am supportive of the State Government's concern for what the local Council is seeking to enact.

Um... My wife's Brisbane-based great-uncle loved holidaying in Byron Bay and holidays there from the 1920s to the 1970s, when he passed away. Byron Bay has been an established and popular holiday destination for generations. My wife and I bought our house a couple of years ago, in the zone that is currently being considered for-for-for the restriction. We bought our house from a chap who used to short term holiday rent the property for many, many years prior to our purchase.

Our intention is to continue its existing use as a short term rental property, while we spend one to two weeks a month in the property. Post-COVID lockdowns, that's exactly what we've been doing. Uh, we have no intention to long term rent out property, as we want to have access on a regular basis.

Um, our house is an ideal rental for families. We're a holiday environment and that's who we target. Um, clearly the short term renting of our property contributes greatly to the local economy. You know, we have spent substantial amounts of money with plumbers, carpenters. Uh... cleaners, linen hire. You know, we wash the windows regularly before most guests arrive. We ensure the lawns are mowed, pay substantial amounts in property management fees. Employed local photographers for website photos, and the list goes on.

Um. We have made a substantial financial contribution to the economy, off the back of the short term rental of the property. And clearly any attempt to limit a number of days will directly reduce the financial contribution that, uh... That we make to the town and the shire. A little bit... It goes without saying that the contribution we make is only one aspect of it. When families choose to take our house for a week or two for a holiday, they will make a substantial contribution to Byron. Spend money in restaurants and shops, uh... Tennis courts, golf courses et cetera, et cetera.

All those businesses will be directly impacted by limits on short term rental. I mean, I think... Possibly most of all, uh, you know my wife and I are sort of confused and concerned about a government's attempt to retrospectively change our rights to use the property we've purchased. And you know, it feels to me like a sledgehammer, i.e. the Draconian legislation is being used to solve a historical planning problem.

As is evident from what I have said, this proposal, if enacted, will cause us substantial financial harm and more importantly, will cause a loss of income for many, many local businesses. This is a proposal that, in my view, has no merit and as regards our property, at a minimum, will not add to the properties available for long term rental in the town, while diverting income for actual local businesses.

Thank you.

COMMISSIONER COAKES:

Thank you, Mr. Kershaw.

Can I just clarify, uh, your property is located um... In what area?

SCOTT KERSHAW:

Uh, Evans Street.

COMMISSIONER COAKES:

Okay, thank you.

SCOTT KERSHAW:

Byron.

COMMISSIONER COAKES:

Yeah, thank you.

Yes, we have a question from Richard.

COMMISSIONER MACKAY:

Um, thank you Mr. Kershaw. Um, I just noticed in reading the submission that you made previously. It uses a form of letter that seems to be, um, almost identical to a number of the other submissions. And I'm just wondering where that, um, that letter came from, please?

MERYL AND SCOTT KERSHAW:

Hi.

SCOTT KERSHAW:

Sorry, that's my wife. Let me turn her on.

MERYL KERSHAW:

I wrote it.

SCOTT KERSHAW:

Um, I think we drafted the letter, Richard.

COMMISSIONER MACKAY:

O-Okay. So that letter is actually your-your letter and others have copied it in their submissions?

SCOTT KERSHAW:

Uh, yeah, I haven't seen - (inaudible]. But I think we crafted it.

COMMISSIONER MACKAY:

Thank you, that's very clear and very helpful.

COMMISSIONER COAKES:

Okay. Thank you.

LUKE WATERSON SC:

Uh, next speaker is Brett Dyer.

BRETT DYER:

Thanks.

I'm just, um, attending because, um, the mayor came past the pharmacy and he had a-a bit of a (chuckle) quick chat and um... Told him some of our problems. And it really related to, uh, staffing.

So, uh, what's happened in the last couple of years at our pharmacy in Ocean Shores is, uh, we've lost quite a few staff. And, uh, unfortunately it's often been due to the fact that they have been forced out of their accommodation (laughs). And, uh, why that's happening? I think it's, um, staffing issues across the country, it's not just us. Certainly, not just Byron and, um, pharmacists in particular are a very rare breed at the moment and, um... But it certainly doesn't help when they can't get accommodation. And we've been advertising and offering, um, pretty good salaries, but... And, uh... Others might say, "Well how can you not get people in-in the Shire but it's so desirable to live here?" But it really comes down to, I think, costs.

So we've lost a couple of naturopaths, we're a holistic pharmacy, we try to, um, you know, uh... T-Look after our locals. And, um, we've lost quite a, uh, at least two that I can think of in the last six months. Um... Recruiting staff, as everyone knows, is an expense and then when you train people up, and you think, "At last." And when you finally (chuckle) getting booted out of their home, uh... Uh-And then you've got to start all again. It-It-It's tiring (sigh). Um... I, myself, can't find pharmacists this week and I have to do six days and it's very difficult to get locums.

Um... It be... un-un-unfortunately then of course, as everyone knows, you-you-you who-who's worked, the burden then falls back on the staff that are there and there's extra pressure on them when you can't staff correctly. And, uh, all the added services we try to provide, vaccines and all the things during COVID, it's-it's been a challenge.

Um... Then the other thing that I thought I might add is that, uh, I was... This morning when I got my coffee, um, in at Flavors. The owner there said that she was on her 17th day straight. So that's-that's... You know, you can see she's (chuckle) tired. (laughs) I don't think coffee's going to help her.

Um, yeah. So, I'm not saying that, uh, one way or the other... I don't want to upset anybody. I suppose I'm a local business owner, and we certainly do do well out of the tourist trade. Uh... I don't know if I'm qualified, or can judge... Either way. But, uh, this is the situation on the ground and getting-getting people to, uh, to work, uh, in a pharmacy is a real struggle at the moment. And it certainly has, uh, cost us (chuckle) uh... In more than, uh, just financially. I-It costs us in-in so many other ways, uh, just being generally exhausted (laughs).

Anyway, that was all I had to say.

COMMISSIONER COAKES:

Thank you, Mr. Dyer. It is really important to hear that perspective from somebody who's running a business in town. So, thank you.

BRETT DYER:

Thank you.

COMMISSIONER COAKES:

Thank you very much.

LUKE WATERSON SC:

Uh, Catherine Henniker is our next speaker.

CATHERINE HENNIKER:

Thank you. I'd like to pay my respects to the people of the Bunjalung nation.

Welcome, our visitors from far and wide. I hope you enjoy your stay in Byron. It's a shame you can't be out in a beautiful, sunny day.

Um, and I'd like to thank everyone for the opportunity to come here and speak today.

I'm... As I said, my name is Catherine Henniker and I live in a street in central Byron. Um, with 32 dwellings and five permanent residents. I'm not going to talk about the impact that short term holiday letting has had on me, personally, but rather, I'd like you to cast your eyes to a little video. Um... And it goes for 59 seconds, and I'm going to talk about this little boy.

Thank you.

SPEAKER (VIDEO):

This video hasn't start... Okay, here you go.

...

We would like to say, we respect this country every day. On the traditional land of the Arakwal people, we stand with a promise of reconciliation. We walk hand in hand, in this past, present and emerging. We thank you for your dedication, from your care and love of this great Bunjalung nation.

From the [inaudible] in the trees, from the [inaudible] in the streams. From the... Animals, the mountains, the sand and the sea. We always want to see.

CATHERINE HENNIKER:

(chuckles) That's my grandson. One of my three little grandsons. He didn't choose to live in Byron Bay, he was born here. He's inextricably linked to Byron Bay. It's the only place he knows. It's his home, it's his world, it's his universe. And it's under threat for this little boy and his cohort.

Of course, change is inevitable. And his cohorts in other places are facing similar issues, but unfortunately in Byron Bay, it's magnified. This little boy, his brother and his friends live in a place where the likelihood of them having them constant neighbours and friends is rapidly disappearing. The reality for this little boy, is a neighbour of six months, would be a bonus. He has no Auntie Sue or Uncle David that live next door. No constant community eyes following him on his journey. No one to come to his significant days.

He goes... He started, um, kindergarten this year at Byron Bay Public School, a brilliant school, and they gave me some figures. Last year, the class of '22, wer-There were 126 leavers from the school going onto, um, high school. This year, the kindergarten intake was 45. This is a prime indicator of a community that is being diluted and hollo-hollowed out.

We've already heard about the stability of workers in the town. Staff at preschools, schools and afterschool activities change at a rate that some of us change our underwear. The pool of parents.

Those 45 parents, cannot possibly volunteer to coach the soccer teams, the football teams, the basketball teams, the skateboard teams. They can't be part of the SES and the Surf Club. There's just... They are too stretched.

The safety issue of the Surf Club, for me, is paramount. There used to be flags at Main Beach. Now volunteers are needed right along the beach. Our community is stretched. This isn't the concern of absentee owners. I know them, they tell me. They have their cash cow and that's the way they want it. My little grandson and his s-siblings and friends are fast losing their ability to live in what they know as their country.

Article 31 of the UN Convention of the Rights of the Child, states that children have the right to rest and leisure. I cannot count the number of nights partying has prevented these little boys getting to sleep or woken them up during the early hours of the morning. Friday is spent in anticipation of who will arrive and what level of disruption locals will have to endure.

Last Friday, for example, we arrived home to my place after the school pickup. And as we were getting out of the car, this is not a very good point to finish on, but I will have to finish. We were met with, well... "Get the F'ing Mother... F'ing mole... And f'ing, f'ing her the shit out of her." That's what we come home to of an afternoon, it's not appropriate. These kids deserve more.

Thank you.

COMMISSIONER COAKES:

Thank you. Thank you, Catherine. And... Also, please thank your grandson for his contribution to your-to your presentation.

COMMISSIONER MACKAY:

I think I would like to...

COMMISSIONER COAKES:

Question?

COMMISSIONER MACKAY:

Yes, look, if I-if I may... Sorry.

CATHERINE HENNIKER:

Oh sorry. Do you have any questions, please?

COMMISSIONER MACKAY:

Well... Uh, given the-given the engaging and powerful nature of the presentation, yes.

Um, I-I mean what's before the Commission at the moment is a proposal to continue to allow-

CATHERINE HENNIKER:

Yes, I understand that.

COMMISSIONER MACKAY:

... Um, short term residential accommodation. Not just... But just to constrain it. Whereas I-your presentation seems to go more to the issue, that you think there are precincts where it should not be at all.

CATHERINE HENNIKER:

Oh in a residential area - yes.

COMMISSIONER MACKAY:

I just wanted to ask you about that-

CATHERINE HENNIKER:

Yes.

COMMISSIONER MACKAY:

... Is your view, that there should be precincts where there is no short term residential accommodation? Or are you simply making a comment on the proposal that's before Government at the moment?

CATHERINE HENNIKER:

Well, I didn't declare myself, I'm sorry... I had so much to say and found it difficult to fit it in.

I understand that all. I understand the history of residential law in our country. I believe firmly, my belief is, if you live in a residential area, it should be residential area. It should be a safe place for a family. But given the nature of our law, that can't happen. So restricting to 90-days is definitely better than at the moment... Where in the area that I live, every night... And I told you about my street, I didn't tell you about the lane way behind, where there is one of ten. One resident in the ten homes, in that lane way.

The reason we live there is because it was our place to go to, where we could work-walk everywhere in our retirement. We don't want to live out of town. We wanted to live in town, so we could walk to do the shopping and do things. And that's been blown out of the water, totally for my family.

COMMISSIONER GRANT:

So sorry, just... Ar-Are you-you located in one of the proposed precincts? Is it...

CATHERINE HENNIKER:

Um, no.

COMMISSIONER GRANT:

Okay.

CATHERINE HENNIKER:

No. We're not. It's, um... It would be-it would be 90 a night if it goes ahead. Yes.



COMMISSIONER GRANT:

Yep, thank you.

COMMISSIONER COAKES:

And we have one additional question.

LUKE WATERSON SC:

D-did you make a complaint about that behaviour you told us about, or any other behaviour that you-you... Didn't want?

CATHERINE HENNIKER:

Um... The police and-and I are on very good terms. I respect the police very much for the work they do.

One night, we had... Uh, 84 people in the three bedroom townhouse, having a party next door. We rang the police, and they didn't come, and they didn't come. And my husband went over to the station. And they said to him, "These people are before you." And there were three foolscap pages of complaints that they had to attend to before they came to our complaint.

So they try their hardest, but it's an impossible job. And it's not really a job that the police should be doing, I believe. There's more important things for them to be chasing up.

COMMISSIONER COAKES:

Okay thank you.

CATHERINE HENNIKER:

Thank you.

COMMISSIONER COAKES:

Thank you very much.

LUKE WATERSON SC:

Uh, Catherine Coorey, is our next speaker.

CATHERINE COOREY:

Good afternoon, an-and thank you for listening to our community. Uh, I'd like to also acknowledge the Arakwal people of the Bunjalung nation, they place on which we now sit and which (chuckle) we contest to some extent here.

Um, the advantage of going later in the day is actually... I've got an opportunity to address a couple of things that were raised in earlier ones. So I might just diverge from my original, um, uh, speech.

Um, Mr. Kerin, who was on there before from the Asia... Something or other technology, uh, forgive me. Said that, uh, that-that um, in one of his comments... Said that, uh, he felt that Council were ready do-Needed to do more with regards to investment in affordable housing by Council.

And we get this often, I... Sorry, I should say I'm from Byron Residents Group. I'm also a councillor at Byron Shire Council. I'm speaking as a community member... I- Sorry, I-I-I'm oddly nervous considering I speak too often, but anyway... It's a big topic for me.

Um, he said we should be investing more in affordable housing. I don't think people understand the budgets, on which councils operate. And you've heard something about the data with regards to tourists coming to the Shire. Last count, prior to the COVID dip, it was been-between 2.3 and 2.4 million tourists came to Byron Shire.

We have a rate base of about 16,000 rate payers. Of those 2.3 million tourists, except for perhaps them paying for parking, there's actually no other income stream coming into Council from that cohort of people. I'm not saying that they should pay, but I'm just saying that there's a cost on that. So the notion that we could invest in affordable housing, by Council? That once upon a time, things like Council flats existed, but over the years, the costs shifting onto Council for so many other things, means that there is absolutely no way, in the budgets that we have, we could do that. We can find the land for it, bits of it. But we couldn't possibly think about building it.

And as... Further to that, Councillor Swivel, who's a very recent councillor of-of about 15 or 16 months, also said that Council has failed in providing a stream of inc-housing. Um, and he probably isn't aware of the history, but the Far North Regional Strategy was drafted in 2006, was a 25-year horizon to 2031. Set us targets of around, I think 3,500 dwellings. Um, which we'd reached by 2017. So, 14 years prior to uh, the-the sunset date on that-on that, uh, document. This could obviously be supplied to you by Council, if they haven't already been done.

So what I would say there is that... An-and with that, by the way, when we reached our target in the new draft of th-the-the of the, uh, Regional Strategy [inaudible]. We got set new targets 'cause we were rewarded by doing so well by setting new targets. And I think in one of the earlier presentations, probably the Council presentation, we are building the houses. We have-We are doing the DAs, there is so much new development in Byron Shire. More so than any other shire around us, which is... Most of which is much larger, and I meant to take most of the dwellings in, uh, that o-original, uh, North Coast Regional Strategy.

But Byron is the-a-a-is the standout in terms of providing that. So, it isn't just about making more houses, because that is not actually working.

So back to my original speech (laughs). And, probably end up getting cut off at the end and I did have a PowerPoint presentation that I gave to the nice gentleman over there on the desk. It's only a few slides, but I just want to get them up there as support.

So, why do people... Speaking of our neighbouring shires, why do people visit Byron in numbers? Why don't they go to Tweed or Ballina? Which are both nice place. But there is a point of difference. And I think it's because over the years, the people of Byron have created a place that is unique, and this is because of the community that lives here. Or in some cases, now, lived here. Historically, this community has fought to stop whaling, logging, old growth for-Sorry, logging old growth forests, sand mining, high rise and excessive and unsuitable development. We've fought to oppose developments that threatened endangered species, threatened waterways and our marine parks. Members of the community worked with our traditional owners to create the Arakwal Indigenous Land Use Agreement. Or the ILUA, which led to the formation of the magnificent Arakwal National Park. The first time a national park has been created under an-under an ILUA in Australia. Sadly, as was mentioned earlier, less than a dozen Arakwal people actually live on country because of the spiralling property and rental prices. It is impossible for them to be able to live on their own country.

Nevertheless, we have lived for many years alongside, and also welcomed the visitor population in this shire, with relative harm-harmony. (Clears throat) We acknowledge, it is a tourist destination. But the rise of the online holiday letting platforms has been rapid and unchecked. And in the last five years, holiday lets in this shire have almost tripled, as houses that were formally long term rentals were put on the short term market.

(clears throat) When you add in the, uh, devastation of floods and COVID almost a year ago, the homelessness and despair that has resulted, and the lack of available rental in the entire region. It is frankly, devastating and disparaging that we are having to argue to the case as to why we need to have less holiday letting and more pom-permanent accommodation. It is so obvious. What is less obvious, and if I may ask for the gentleman managing the PowerPoint, if I could have my first slide up.

My first slide. Oh. Oh. Whoever's running the PowerPoints, I did email it to... I emailed it to IPC and like earlier, at lunch, in the lunch break, you may recall. Sorry.

CREATE ENGAGE:

They're just sorting it out.

CATHERINE COOREY:

Thank you. You can jump in the header page, just to the first slide, if you wouldn't mind. Can we pause the time, if you would? (laughs) Would somebody like to sing perhaps, or.

Oh, crikey. Yes, I can, excuse me, I'm going to have to email the slides again. Sorry if you wanna maybe-.

COMMISSIONER COAKES:

Um, can we pause. Take a quick break. So a couple of minutes?

CATHERINE COOREY:

Sorry.

COMMISSIONER COAKES:

Yup, no problem at all. Okay. Okay, thank you.

CATHERINE COOREY:

Thank you. So you can bypass my front page. It just says who I am and what I am. So if you can read that, it's an excerpt, um, from the Options paper that was drafted in 2017 that in-informed, uh, the legislation with regards to, um, allowing holiday lets, um, into the Housing SEPP. Uh, someone draw the distinction between holiday and housing. But um, and I have to say, it, it is pretty, it, it strikes me as, um, although, I mentioned how obvious it was that we needed to have more permanent accommodation. It was very much less obvious why this inclusion into the Housing SEPP occurred. And I wondered in the drafting of this, with all the resources available to them, why the Department of Planning did not consider the likely impacts of this unfortunate social experiment, I think we can call it. I wonder if any social planners were asked for their input.

Um, looking at this Options paper, and you can see the highlighted part, which I have difficulty seeing at this angle, but it does say about the concentration of, um, dwellings, and that the, uh, possibility for, uh, virtual hotels, um, seemed unlikely. Um, you guys can probably see that better than me, and I haven't got the exact wording here, but. (laughs) Um, given the virtual hotels that have pr-, have proliferated and, um, a representative, I think, from A Perfect Stay has spoken already today. Well, they have 252 listings in Byron. Um, that business just should for \$12 million, uh, I noticed in December. Um, and there are many others. Byron Luxico, 51 listings. The women from East Coast Rentals, I think she said they had 40 odd listings. So we do have virtual hotels, and there are lots of them not just in Byron. And there are too many to mention.

Um, but, looking at that Options paper reveals the extent to which that issue was considered inconsequential. And in 2017, already globally the impacts of Airbnb and similar platforms were already very apparent. And these types of industries existed all over the world. The fact that they mentioned a paragraph, they wrote a paragraph and they batted it away are, um, somewhat surprising. Similarly in the blue highlighted, blue and green highlighted area, it says there's limited ev-evidence, uh, that, uh, these should, that suggest the... I'm sorry, I can't read this from here at this size. But that there will be an impact on, that it will be negligible the impact on permanent rentals. Incredibly short-sighted and utterly unsupported by all the evidence internationally.

So nevertheless, that's what happened. And the upshot of the housing sect is that almost 4,000 dwellings, and again this figure will be thrown out, but I'm saying 4,000 because, um, in the next slide if we could have it, uh, and I'm borrowing from Council's figures, approximately 4,000 dwellings of the nearly 17,000 in this shire, around 25%, are now uh, enabled and uh, to be short term lets.

So what happens when you do this. With an average of 2.4 people per dwelling, um, they have to find other homes. And this have obviously not happened all at once, but it is happening with an alarming repetivity. So other people today have talk to you about the impacts of a society when you lose the social capital that created it. Um, and some people would say, well, you know, people just move, you know. It's what happens to everywhere they, that places are gentrified. And that's true in an urban area. You might move to the next suburb that's going to be gentrified. But here, where do you go?

Um, the l- local government areas around us are already experiencing their own severe housing issues. And so should Byron problems just be exploited across shire borders. It's not really solving a problem, it's shifting it onto those shires (laugh) who may end up with a similar Commission like this discussing it.

So what I do want to raise in particular, if I could have slide four, um, is some information about, um, the number of workers that now live outside of the shire, um, and the impacts that that has. So um, when you're looking here on the right, about 29.1% of our workers live outside the shire. And of those that come from just the four neighbouring shires, Ballina, Tweed, Lismore, and Gold Coast, 4,300 people. That's 4,300 people that have to come into Byron presumably every day, or often, um, because most people drive to work on their own and we have virtually no public transport.

Um, the National Institute of Economic and Industry Resear-Research counts it as about 15,000 jobs in this shire. Sorry, sorry, almost 16. They also record a total workforce increase of 27.7% between the 2016 and 2021 census. But the notable growth is in the number of workers coming from outside the shire to work, which increased by 41.7%. And this largely where they're coming from.

If we go to slide five, please. The infrastructure impacts of this increase in people coming into the shire to work cannot be underestimated, and people have referred to it. Um, I've just done a little, a couple of screenshot grabs from the Infrastructure Australia Report of 2019, which shows the extent of congestion into Byron. Um, an average of 22,500 vehicles used the corridor that year. Um, and that's increased by 3% annually according to, or has tra-traditionally increased by 3% annually.

So just say, for example, that 4,000 of 4,700, um, workers are coming into the Shire everyday. That's 20% of all vehicles. This has a mul-, has multiple impacts. Apart from those of you you have been on that queue, and it is mentioned here, the traffic queues often extend from 500 to 2 kilometres out onto the highway. This is, and that's traffic coming in at 100, or 110 depending on if they're 500 marker or the 2 kilometre mark, which is frankly dangerous. Um, and they're trying to solve that, but it is not an easy problem to sol-, sol-solve.

So what I would like to point out is that the traffic circulation and the long waits of entry into town, and, and the circulation, circling available parking has a deleterious impact, um, on the visitor experience and very much on the resident experience. It also degrades road infrastructure. And the problem with the degradation of infrastructure is that, especially when it is created by, uh, tourism and visitors, is that the rate payers are disproportionately disadvantaged. Council funds that might be for the benefit of the people who pay the rates have to be diverted from other industries and services.

And it also should be noted that these holiday business in our rental-, residential areas are not paying business rates, they're paying residential rates. So any a-addition that their business has is not being captured in our rates, um. So and just, as I mentioned, um, the parking. There's an overflow into residential areas because the long day parkers in town want to avoid the paid parking areas. And there's the also the impacts on amenities and visitors.

I've almost finished, if I may. I promise to be quick.

Um, so we've referred to other areas where, um, like Venice, Amsterdam, whatever, where, where, uh, different places where we've seen impacts. And having seen what's happening here, um, how can we who, who love it here, live here and love this place, not push back against the demand driven growth scenario? We cannot constantly respond to that, um, just to feed an insatiable desire for more holiday accommodation. And what is the inevitable end result? Is it Venice where there's hardly anybody living there, except old people? I believe it's our obligation to our community to resist this insanity for yet more demand.

Byron Shire is the place we chose to leave, with neighbours that we know, and services that exist for all of us, not just visitors. The Byron lifestyle that's being sold to visitors will soon no longer exist. You can't live like a local when there aren't locals. It's make belief, and it's a simulacrum of the lives that were once lived here.

So by drawing your attention to some of these problems that holiday letting has created, we hoped you can see why it cannot continue this way. Thank you for your time.

COMMISSIONER COAKES:

One question.

COMMISSIONER MACKAY:

One question.

COMMISSIONER COAKES:

One question from Richard before you go.

COMMISSIONER MACKAY:

Um, thank you, Chair, and thank you Ms. Coorey. Um, can I just ask about slide three, your how many, um, houses slide.

CATHERINE COOREY:

Yup.

COMMISSIONER MACKAY:

The information that you put up there-

CATHERINE COOREY:

Yup.

COMMISSIONER MACKAY:

-did that relate to total short term residential accommodation or non-hosted residential accommodation?

CATHERINE COOREY:

Uh, total. Yeah. Yeah.

COMMISSIONER MACKAY:

It was total. Okay. That-

CATHERINE COOREY:

So that's Council's figures. Oh, let me just, actually can we just have three up again, because I, I think it might have both? Um, yeah, yeah, sorry. Dwelling stock total.

COMMISSIONER MACKAY:

Um, you can see, but we can't in the back. Thank you.

CATHERINE COOREY:

Oh, my apologies. Yeah, so it's, it's total, um, short term rental.

COMMISSIONER MACKAY:

So, those, those numbers for dwelling stock-

CATHERINE COOREY:

Hm.

COMMISSIONER MACKAY:

-they are all, um, short term residential accommodation?

CATHERINE COOREY:

Mm-hmm

COMMISSIONER MACKAY:

Not the non-hosted?

CATHERINE COOREY:

Yes, so the percent, the total listings are, and they, they've referred to three different, um, sources of data. I've just borrowed this from Council's proposal, by the way. Um, and then on the right hand, it's just what percentage of the dwelling stock they are relative to the data that's provided by each of those.

COMMISSIONER MACKAY:

I, I'm sorry to be persistent.

CATHERINE COOREY:

Sorry.

COMMISSIONER MACKAY:

I, I'm presuming, I'm presuming they're measuring the same thing.

CATHERINE COOREY:

They are.

COMMISSIONER MACKAY:

But what I'm asking is whether this is all short-term residential accommodation.

CATHERINE COOREY:

Yes, it is.

COMMISSIONER MACKAY:

Okay. Thank you. That's really helpful. Thank you.

CATHERINE COOREY:

Okay. Thank you.

COMMISSIONER COAKES:

And one more question from Juliet.

COMMISSIONER GRANT:

If I could, yeah, if I could just ask, so just to be clear, um, are you supporting the Council's planning proposal or do you – don't want to put words in your mouth-

CATHERINE COOREY:

I am. Yeah. I, I mean, I think, I think we all know it's an imperfect measure, I mean, in the same way that, that was explained that the 180 day was arbitrary and in some sense just having arbitrary, arbitrary figure is somewhat arbitrary. (laughs) But nevertheless, um, we have to have a base point. And we're looking at, there's an existing legislation. So personally, I'd like to overhaul, and I think many people would, the entire short-term rental accommodation. But, uh, sadly I don't think that's gonna happen right now, and I think the interest involved, there's a lot of money involved, it's not gonna be easy. That said, we have to work with what we have. And we thought that, it, it... and looking at it, the 90 days would have an impact. And it, it's not just on bringing rental accommodation back, there is also the amenity issues. And up until recently, that was the major issue, the party houses, and the, and the, the, the strangers, not neighbours. Um, but, but I think you'll find now that, that uh, this perfect storm of, of platforms, um, and, and lifestyle changes and property values, et cetera, have created something quite different. Thank you.

COMMISSIONER COAKES:

Thank you. Thank you.

LUKE WATERSON SC:

So Jane Lavery on the telephone.

JANE LAVERTY:

Good afternoon. Thank you for the opportunity to address the Commission. My name is Jane Lavery. I am the Regional Director of Northern Rivers for Business in New South Wales. The State's peak body for business. I have 18 years experience in the field of economic development in the Northern Rivers region. And I work really passionately to support businesses in our region to thrive so they can grow and sustain employment, contribute to a healthy local communities, and the health of our regional economy.

My input into the 90-day cap proposal is from a regional perspective, and with the understanding that we're currently experiencing simultaneously a housing crisis, a staffing and skills crisis, and a burgeoning economic crisis resulting in a very, very stressed business community. This is a regional business community that has navigated the challenges and impacts of Covid on their operations for three years, and also more recently navigated a natural disaster of devastating proportions. We are a region that needs a break. We're a region that needs to work together to ensure we have strategies that provide the outcomes that we're really trying to achieve. And that is available and affordable housing. I work with businesses across the region who are desperate for staff. And in fact, have lost staff due to a lack of housing and affordable housing in the Northern Rivers. So I'm close to the need, and I am championing the increase in the supply of housing across the region, and advocating to the government in my role as an advocate for business to enable a



diversity of housing and innovative development approaches, including a 30% target of affordable housing on surplus government owned land, which would enable key workers to live closer to where, where they work.

I'm also very cognizant of community impacts of unmanaged holiday lets, and the real need to ensure that locals are not impacted adversely by people who do not respect their space or their community values. This really is integral to living in the Northern Rivers, and something I also champion, uh, quite passionately.

However, I am speaking against the 90-day cap policy. It's a sledgehammer where we need a surgical team, with a kit of scalpels and innovative equipment to get the result we're really looking for to meet everyone's needs. A review of the documentation available, including the Urbis report prepared for the New South Wales Department of Planning's delivery unit and Byron Shire Council. One would question if it is possible to have affordable housing in the Byron Shire. If it is not purpose built and underpinned by a proactive strategy to deliver this outcome.

Not having affordable and available housing right now is not the fault of well-managed short-term holiday properties and the people who rely on this product for their livelihoods. It's not a certainty, or in fact, potentially possible that the 90-day cap policy based on the feedback from the owners of the properties in the areas of Byron Bay identified will also deliver this outcome. I am concerned that instead of this, this action would impact the businesses directly connected to the provision of managed holiday letting, and the ancillary businesses relying on this product for their livelihoods, cleaners, gardening, and maintenance trades. I believe they would also be adversely impacted.

And also impacted would be the broader small business community across the Northern Rivers region. The visitor economy is a difficult one to fully understand in terms of how far reaching it can be. It's not just a direct tourism product entities, such as accommodation, attractions, and tours that you would initially expect. Our visitor economy is made up of all small businesses in main streets, including chemists, and news agencies, the mom and boutiques, and gift shops. It even extends to our community markets, and even our local mechanics. The region does heavily rely on visitation and a variety of accommodation options for the variety of visitors that we attract, and the experiences that they seek.

I refer to the Co-Council, Byron Shire Council's tourism plan, and the important strategy to attract a longer stay and higher yielding visitor, which does align with the properties in question. When visitors stay longer, their environmental impact is lower. They connect and contribute to the local community. And they disperse and spend across the region and sustain jobs.

I want to just highlight how very important the tourism economy actually is to New South Wales, right now. And I, uh, did reference that economic crisis earlier. After two years of periodic lockdowns, in 2020 people started to catch up on that the trouble that they missed. And unlike retail trade, which continued to thrive, tourism activity had been physically constrained due to the lockdowns and border closures. The rebound in tourism has been strong since mid-2022, and in the September quarter, which is the most recent data, Australia's GDP growth came in at 0.6% quarter on quarter with evident contributions from the tourism related sectors. The accommodation and food services sectors grew 3.4%, our transport, postal, and warehousing sectors grew 3.5%. They were the best performers across all sectors.

CPI growth, which provides an indication of demand in relation to supply also points to excess demand in recreation and culture. Prices, um, of recreation and culture rose by 0.4%. Now that's increasing supply in this area would help to dampen the inflationary pressures. So the recovery in

short term visitor arrivals, and a strong momentum in New South Wales, so far, could actually cushion the slowdown that we're seeing in other sectors of the broader community and economy. My apologies.

I would the Commission to be, to consider the unintended consequences of this policy for the Northern Rivers region, and see that the 90-day cap, and its impact on business and livelihoods may have little impact on the significant problem we all face, affordable housing.

COMMISSIONER COAKES:

Thank you, Ms. Lavery. Any questions? Uh, just one quick one from me, um, in your, um, role, Ms. Lavery, is, is there access to any other additional data on the linkages between, um, short term rental accommodation and the business, local business community? I just wondered if you were aware of anything?

JANE LAVERTY:

Yes, well, um, we have our chief economist who has been looking at this tourism sector and the impact that it can have on affordable housing. Um, sorry, at least on the inflationary impact of prices. And the opinion there of looking at that data suggests that high competition, uh, with more holiday let, short term holiday letting in the market would have an imp-, inflationary impact on prices.

COMMISSIONER COAKES:

Okay. Thank you.

LUKE WATERSON SC:

Okay. Uh, James Bennett-Levy.

JAMES BENNETT-LEVY:

Thank you. I'd like to acknowledge on the land, on the lands of the Arakwal people and pay respects to Elders past, present, and emerging. Um, thank you very much for the opportunity to address this committee. Uh, so I'm a Professor of Mental Health and Psychological Wellbeing at University of Sydney's University Centre for Rural Health based in Lismore. I'm here because our team at the University Centre for Rural Health has been highly involved in research and recovery from both the 2017 floods and the 2022 floods.

To give you a brief history, in 2017 and the following years, our team was involved in some unique research looking at the mental health impacts of the floods. We've published eight papers, uh, on these impacts, which I think is more than any other Australian, um, disaster. I'm gonna give you this. Not because I expect you to read it, um, but just to s-see the wait of the papers and where they're published.

So here I want to focus on just one key finding. People who are displaced from home for more than six months had incredibly high incidences of mental health problems, particularly post-traumatic stress disorder, uh, anxiety, and depression. And the, these impacts persisted at the two year follow-up mark.

Fast forward to 2022, we had 20,000 plus people displaced on the North Coast initially. Now one year later, we have an humanitarian crisis on our hands. We still have at least 4,000 displaced people, many of these in temporary and makeshift accommodation. These are fellow citizen, and what the United Nations calls internally displaced persons. The UN definition of an internally displaced person is someone who is forced to leave their home, but who remains within their country's borders. Mostly that's refugees, but natural disasters are also one of the key categories. So our constant message to authorities who are doing, all, all doing they best they can, is that the number one mental health intervention that we can provide for disaster affected communities is to give them the safety and security of their own four walls, knowing that they're safe. But I also want to address what may turn out to be an even bigger health and mental health issue that's nearly here upon us in Northern New South Wales.

So on June the 15th, 2022, we at the University Centre for Rural Health convened a meeting of key health organizations with Emergency Services Minister, uh, Minister Stephanie Cooke. The focus was on the health, mental health, and social care workforce. Even before the Northern New South Wales floods, these health and social services were facing incredible difficulty in recruitment due to the steep rise in rents during Covid and consequent housing crisis.

So we highlighted to the Minster the workforce burnout from Covid and the floods, and the critical housing shortage. We would be facing a really extreme situation over the next two years in Norther New South Wales, where services might, quite literally, be unable to function and would collapse. I suggest we're quite close to that point now. Give it a few more months. And decisions that failed to acknowledge the critical nature of the crisis upon, we may have well just that. Haemorrhaging of our basic health and social care systems, and systemic failure. Right now, I'd suggest it's a question of dragging it back from the brink.

So I'd say to this committee that the decision that you make around short-term rental accommodation, will not only have a major impact on mental health and wellbeing of our community, but even more than that, your decision might, quite literally, be a matter of life and death for the residents of Northern New South Wales. I'll finish there.

COMMISSIONER COAKES:

Thank you. And thank you, Mr. Bennett-Levy for providing us with that, that health focus. Any questions from the Panel or no?

COMMISSIONER GRANT:

Thank you.

COMMISSIONER COAKES:

All right, thank you very much.

JAMES BENNETT-LEVY:

Thank you.

LUKE WATERSON SC:

Uh, Stephen Connelly is our next speaker.

COMMISSIONER MACKAY:

Well, it's your, it's your call. If you want us to look at it-

COMMISSIONER COAKES:

Yeah.

COMMISSIONER MACKAY:

-you need to give it to us. And if you don't.

JAMES BENNETT-LEVY:

I'd be very happy to-

COMMISSIONER COAKES:

Okay. Thank you.

COMMISSIONER GRANT:

Yes. Thank you.

STEPHEN CONNELLY:

Um, Commissioners, my name is Stephen Connelly. I'm a, uh, town planner in private practice. My office is Byron Bay. I'm a fellow of the Planning Institute of Australia. And um, a pleasure in telling you I was born in bred in, uh, Bunjalung country, and have worked most of my professional career in this area. I'm here today to speak in support of the Council planning proposal relating to the management of short-term accommodation. My submission to you is very short. I only have two points I'd like to raise. One relates to the land use holiday home, and the other relates to what I've called glue.

In terms of holiday homes in Byron Bay, after the abattoirs closed down in Byron Bay, um, there's always been a good number of what we called holiday homes. People, usually from the west, had homes in the Bay. Um, and we can discern that, I think, by looking at the census unoccupied dwelling rate. I think it's not a bad proxy for trying to deduce information about holiday home usage. So the usual unoccupied dwelling rate in New South Wales is about 10%. In, in Byron Bay, historically, uh, going back some time, um, the, the rate for, uh, unoccupied dwellings is about 12%. So in 1996, the census recorded 12.6, in 2001 12% precisely for the unoccupied rate. My, um, view is that the extra 2% is the 2% that's made up of people using dwellings for holiday home purposes. So that's separate to the guide you get from looking at, uh, other data.

Um, in my mind, the holiday rental industry began to take off in the early 2000s. And I note that by 2006, the unoccupied rate in Byron Bay for dwellings had got to 17.7. In August of 2012, uh, Airbnb launched in Australia, and I observed that by 2016 the recorded unoccupied dwelling rate in Byron Bay was 20.5. And by the time we'd got to the 2021 census, it was 23.8. Um, in my opinion, the holiday home market in Byron Bay has depleted the stock of housing available for permanent residential accommodation by about 12%. And I think that rate is, of depletion is increasing rapidly.

I'll turn to my second point about glue. Towns, when you look at them, seemed to be made of buildings, roads, parks, physical infrastructure. But really, towns are made of people. And um, a town like Byron Bay, it's the normal folk who do the beach work for the surf lifesaving. It's the normal folk that run the kids' sport. It's the normal folk that do the refereeing of the adults' sport, do the community volunteering, monitor people in distress, and I, I, you know, I can go on, but they're the invisible glue that makes a town tick. Since about 2010, I've personally observed the rapid loss of that normal folk from the, uh, Byron Bay demographic profile. In large part, I put that down to the acquisition of residential properties for holiday letting purposes. In my view if this continues, the, that the rate that we seen now, the functional community that we know of Byron Bay will pass. And we'll end up with a, a tourist shell. The buildings, the roads, the parks will be here, but the character will be lost.

In my 42 years of experience as a local town planning practitioner, I submit to you that it's important to strive to arrest the depletion of this normal folk from the local community. And I'd urge you to support the planning proposal. Thank you.

COMMISSIONER COAKES:

Thank you, Mr. Connelly. Question?

COMMISSIONER GRANT:

Yeah.

COMMISSIONER COAKES:

Yeah. Uh, just a question from Juliet.

COMMISSIONER GRANT:

Yeah. In your experience both as a professional planner and as a local community, um, um, resident, have you got ideas or suggestions that we should be considering about how we can address the housing affordability issue? The Minister's remit to us is very broad, in addition to the planning proposals specifically, he's asking for wider advice. And, and with your experience and local knowledge, you may have something you'd like to share on that.

STEPHEN CONNELLY:

Um, it, it requires pretty serious, um, um, levers to be pulled. Um, if, if it was me, I, I'd prohibit, um, dwelling houses. I just wouldn't, I, I'd pull them out of the planning scheme. I wouldn't let one more "home" be built. I'd only allow multi-dwelling housing to be built anywhere and everywhere. Um, and, and I, so that, that it falls at least to the.

Um, and, and I, so that, that it forced, at least at a minimum, every single house that got built, there would be two (laughs).

And, and so, um, they're the lengths that you have to go to. We need to, to look more at um, the way in which we pull the levers, in, in terms of say, ah, new and emerging industrial areas, to try and i- in- incorporate, ah, room for people ... Sorry, new and emerging industrial and commercial areas to um, mandate the need for, for people who work in that locality, to be able to live in that locality. They don't need to be salubrious homes. In large part, um, the, the homes ah, that most of,

of the, sort of the workers need, can be quite modest. A- and, and easily put in place. I'll leave you alone.

COMMISSIONER COAKES:

Thank you.

COMMISSIONER COAKES:

Thank you. Thank you Mr Connelly.

LUKE WATERSON SC:

Ta.

LUKE WATERSON SC:

Ah, next is John Lazarus.

JOHN LAZARUS:

I thank the Panel for coming up here, and I welcome your independence, because that's what we need in this situation. You are empowered, as a Panel, by the State Government's legislation to amend or reject any applications before you. And I urge you to reject both the State Government's proposals, and Byron Shire Council's proposals. Byron Shire Council is in a position where it's trying to claw back some ah, benefit for the community. It has acknowledged they don't all agree with it. They don't agree that it's going to do what it needs to do. I ask the Panel to intercede and act for this community to tell the State Government to rescind the existing legislation. And to go back to what has been the tried and true capacity of the New South Wales councils to manage ah, ah, tourism, and to manage ah, residential ah, premises under our existing LEP zonal laws.

LEP zones have been put in place for the exact reason that they stop conflicting ah, uses being in the same zone. That's the purpose of them. And they have worked effectively for the, for the last 100 years of, of ah, of development of, this, New South Wales. This is the only way that we can achieve some sort of ah, residential amenity and some way of stopping these residential houses being used for commercial activities, which does generate more money. They're businesses. The, the planning panel's own document says, "We're looking at businesses. At industry." It's in there. Industry. We don't want industry erupting informally within our residential areas. It is incompatible, however best managed it's used.

A noisy party there gets shut down, and there's another one gets shut down, and another one the next day will get shut down. We can't deal with this. Every residential house that is lost to tourism, is a loss of residential accommodation. Two and a half people average per residential house in a family house, that means every 1,000 houses lost, that's two and a half thousand people that are kicked out of, of residential accommodation.

And one aspect that it hasn't come clear in, in this, ah, process, is that um, the use of houses for share houses. We're looking at 180 or 360 days. Every share house that has the capacity to become holiday let, whether it's by the owner or by the head person that's taken the lease, we will for every 1,000 of those share houses, we lose 6,000 people's accommodation as a resident. This is social engineering on such a grand scale, and we're just stumbling into it. Stumbling into it, because the operators of sh- STRA have invaded this place and acted unlawfully for decades, and decades, and

decades in breach of the sh- the clear and legal restrictions that prohibit tourist facilities in residential areas.

With the exception, and let's look at what we can be doing here. Byron Shire Council, 35,000 residents, we provide two million beds for tourists. Quite adequately. We have properties being built right now on this road to facilitate the increase in tourists. We can do it. And we should be allowed the autonomy to make these decisions.

And I'll just raise a few points. I'll give a broader submission by, by email. The economies don't actually look at all the aspects that we're talking about. We had one gentleman here, a phar- a, a, a pharmacist from Ocean Shores, go to the markets just over the road. They can't find enough staff. How they've managed it, they've bought a one a half million dollar flat for their staff. The beach café has also had to buy a one a half million dollar flat, so that they can actually operate seven days a week, and provide all the, the shift, the staff for the shifts that they do. That's a \$3 million impact on the, this community's costs.

And one cost which I urge you to look at very clearly, the change from licenses taxis to allowing residential cars to be used as taxis, has just come through the State Government legislation, with a \$600 million compensation for the taxi drivers. There's more than 10 accommodation residents for every um, holiday letting, ah, for every taxi in this shire. I would expect a \$6 billion compensation, Panel, ah, ah, for these existing operators that have paid their way, paid their wages, and have been licensed.

There's also a huge amount of structural change that this flags, that is completely unassessed. There's a huge amount of, of impacts that are completely unassessed. There's a huge amount of costs that are completely unassessed. I will put it in my submission. I urge this Panel to act independently, to make a decision, and advice the government just restr- r- r- um, rescind the existing legislation, and that we go back to what the tried and true um, ah, planning for this shire, that is ah, zonals. Otherwise, throw the, the North Coast Regional Plan proposals for housing out the window. Throw it in the bin. You can't build another 1,000 houses and expect residents are gonna live in them. They can all be turned into holiday lets. The housing capacity is out of the control of now, the Council's and the State Government, if STRA progresses. I'll leave that there. Um, I've got more points. I'll send them along to you.

COMMISSIONER COAKES:

Thank you Mr Lazarus. And we look forward to receiving your submission. Thank you for-

JOHN LAZARUS:

You're welcome.

COMMISSIONER COAKES:

... attending today.

JOHN LAZARUS:

Well, there, there's just one, there's just one really serious aspect here. That, that I just must, must raise. That's with Aboriginal housing. You know, we've got such a dearth of Aboriginal housing already in this shire. Um, we know that those who control land, and the land's resources create intergenerational wealth. Well, the Aboriginal people in this shire, they're just got their foot up

towards the first rung on this ab- on that ladder. Now, they've lived here for 60,000 years unbroken family connections. We're gonna kick them out. Closing the gap, this is widening the gap. You're creating as- another situation where young people are gonna kill themselves by suicide, turn to alcohol, and have complete contempt for white law, because they can't even live on their land. And they will go to jail, because of that contempt. That is what this creates. Thank you.

COMMISSIONER COAKES:

Thank you.

Okay, I think that ends our next session. We've got a short break. And I think we're going to be back around 4:34, so about five minutes.

Yeah, five minutes.

Thank you.

LUKE WATERSON SC:

Um, just for the benefit of those who may not have been here earlier, um, just to clarify again the role of the Commission on this issue, is to provide advice and recommendations, not to actually make a decision as such.

COMMISSIONER COAKES:

Thank you Luke. And we are waiting. I think we've got-

LUKE WATERSON SC:

Ah, Jamie-

COMMISSIONER COAKES:

... Jamie Gluyas.

LUKE WATERSON SC:

... Gluyas.

On the telephone ... Pronounced that properly.

COMMISSIONER COAKES:

Hopefully we've pronounced it properly.

JAMIE GLUYAS:

Yes, thank you.

COMMISSIONER COAKES:

Thank you Jamie. Over to you.

JAMIE GLUYAS:



Thank you, um, good afternoon everybody, and thank you for the opportunity to speak today. Um, I've enjoyed listening to the many different views so far. Ah, to those who have borne the brunt of the negative effects of poorly managed STRA issues in the shire, you have my compassion. However, my five minutes is about me, and the possible effects on me and my business within the proposed model. I'm not unaware of how selfish that sounds, but it's about me. My name is Jamie Gluyas. I live in a long-term, oh, sorry, I'm a long-term Byron Shire resident. I'm a product of Mullumbimby preschool, primary school and high school. I have five children who have grown up in the Byron Shire, just outside of Mullumbimby. I've run two businesses over the last 20 years of my trade life in the Byron Shire. My current business, JSG Solutions, supplies a 24/7 electrical maintenance service to the commercial, retail and holiday rental, rental market in Byron Bay. I've built this business from scratch. We're an example of the small business in Byron, that's related to STRA. We fix the stuff where people stay. We fix the stuff where they eat, and where they shop. I've spent more time with people on their holidays than holidays myself, that I'll ever catch up on.

Hopefully this experience with these businesses over the last 10 years gives me some experience to speak today. I have worked, worked in all forms of socioeconomic areas in the shire. To quantify this, 85% of our near \$1 million gross turnover comes from our top 10 clientele. All of which comes from the holiday rental real estate market. 80% of this turnover is located within a five kilometre radius of the centre of Byron, encompassing the areas of which are managed properties and residential properties.

I looked at the list of speakers, and I can see many of my colleagues and customers speaking in regards to these matters, both pro and con. My business is closely related to trade businesses in our inner circle that have hopefully built ongoing sustainable livelihoods around the success of people staying in Byron Bay. I don't support the cap changes proposed to the holiday rental market. Our business, while supplying a niche trade to the area, would be greatly affected by the proposed cap changes.

We've looked at the numbers in our business, depending upon the downturn of possible affected properties. My ability to support the families which we employ, the associated sunco-subcontractors in our area would be challenging. To have to redirect the business to a more competitive area in our trade. I've spent 10 years growing this business in a direction that is based on the Byron Shire holiday product. I love the challenges of running a business, but I'm not looking forward to the challenges at hand, should my customer base be restricted in this manner.

I'm an electrician, I can actually diversify into a more heavily competitive market, and wire new brick and tile single story dwellings. We don't have a lot of those in our area, obviously given the lack of land release and the like. So that means massive changes for my family and my business. The uptake of customers using our 24/7 business, out of normal hours, is for the majority, holiday rental customers. The viability of this service, which is open to the n- to the normal public, is not guaranteed if the cap reduces the customer base or its frequims- frequency of being used. It's simply hard enough as it is.

I'm definitely not all Byron Bay rainbows and unicorns. I live local, and I shop local though. Our business and our family support our local community. The money we earn in our business is spent on all things from tires for vans, apples at the farmer's markets, employing local trades, and our leisure time is spent in the Byron Shire. I'm not obvious to the changes faced in the Byron Shire, post-COVID, or post-flood. I'm aware of the rental issues faced in our area. I'm ex, I'm exposed to friends and families in the real estate agents, we associate, ah, with on a daily basis. I have a short-term holiday let property next to my house in Mullumbimby. I weighed up these things whilst contemplating and reading through variations of proposals and ideas.

In my opinion, I don't believe the proposed cap change has a positive effect on my economy or the local economy at large. I don't believe the cap changes, and the issues at hand, in regards to affordable housing or properties in the rental of the shire. I do believe in sustainable development. I believe in Council, and owner accountability. And believe that strongly. A health governed industry is a positive thing for the area. My business and other trade businesses have hopefully built ongoing sustainable livelihoods around this. The 90 days may cover the holiday periods of a nor- normal small town. We in Byron manage to encompass festivals, conferences, weddings and other sporting events, all which add to our local economy, outside of what is a standard holiday time. These events fill in the gaps, um, and allow us to run our business in the way it is currently run now. I would be happy to ah, speak to anyone in regards to this, if they can shed further light on how this helps me currently. Thank you.

COMMISSIONER COAKES:

Thank you Mr Gluyas. Any comments? Just, just a quick one from me in terms of your staff. Are you finding-

JAMIE GLUYAS:

Mm-hmm.

COMMISSIONER COAKES:

... are you finding the same difficulties of some of the businesses we've heard from today, in regard to, um, housing and accommodation for those staff?

JAMIE GLUYAS:

My staff currently are very lucky. I employ long-term locals that I've known personally. I do have an employee which is in a long-term rental, through a local agent. Um, at the time that he was employed, it wasn't as big an issue as it is currently. But ah, I guess possibly I'm lucky in this regard.

COMMISSIONER COAKES:

Okay, thank you. Thank you Mr Gluyas for your-

JAMIE GLUYAS:

Cheers.

LUKE WATERSON SC:

Ah, now we have, ah, Paul Jones.

PAUL JONES:

Ah, thank you um, Dr Coakes and Commissioners. This is a watershed moment for Byron Bay. You know, I do not wish to sound apocalyptic, but I believe we are witnessing an important turning point for our town, which will greatly determine the future liveability, and the quality of our community, and who retains control. I'm a born and bred local, I too. I'm an architect. I live in the centre of town. And my wife runs a holiday let in our backyard studio. She's a super-host, like no

other. We have a five-star rating, several Airbnb awards, and very happy neighbours. I'm certainly not anti-holiday letting. Particularly in a place like Byron Bay, which brings so much pleasure and respite to so many.

I'm calling for managed outcomes that balance the impacts against the benefits. But I'm also here to sound a warning, of a cruel logic at work in unregulated STRA. Whole of property house lets are a clear lucrative commercial operation. Returns on investment pushes property prices, which in turn, pushes land taxes. With the inevitable outcome that only high return STRA can occur for the price of investment. Equally, property prices come at such a premium, that they are unaffordable to purchase or rent by most middle class families.

The wider consequences of diminishing residential amenity, and accommodation, unaffordability, and the monoculture of unfamiliar, unfamiliar holidaymakers are obvious and this is why we are here today. There is a likely scenario, as STU- STRAs become entrenched, properties will become corporatized and aggregated. The power of the corporate sector will increase to a point where town planning will effectively lose controls over these properties. Or rather, there, they will be the only game in town.

As I say, this is a watershed moment. Fail to regulate this industry now, and we stand to lose our town. I propose that we return to the original spirit of Airbnb. That is the sharing economy of hosting guests on your property. Make, reuse or recycle vacant or share ah, vacant space, s- spare accommodation already there, and under the owner's control. It is simple, really. No holiday letting in residential zones, unless it is hosted by a resident, onsite. Hosted holiday letting can occur anywhere, anytime. Obviously whole of house holiday lets are a significant portion of STRA industry.

I propose that these properties must make some form of onsite accommodation available, in order to qualify to holiday let. Onsite accommodation should take the form of secondary dwellings, tiny homes, or shared facilities. The responsible host must live onsite, and be registered as such. Compliance is made easy with a responsible host. Guests behaviour is better managed with a responsible resident. And housing and potential employment is ensured at least for a single host.

We must fiercely protect residential accommodation in our town. We must not allow rezoning by stealth of residential to commercial zones. But we are obliged to share our bounty, and there is a tourism economy, and a local economy we need to respect and integrate. We can harness the enormous value of our special place to make, help maintain its extraordinary character, amenity and beauty for all. We need a working town, as much as a tourist town. Take care of the community first, as visitors appreciate vital, caring community as much as the beautiful natural wonderland we are in. Thank you.

COMMISSIONER COAKES:

Thank you Mr Jones. Any questions? No? No.

Okay, thank you very much. Khris Rennet.

LUKE WATERSON SC:

Our next speaker is Khris Rennet.

COMMISSIONER COAKES:

Hi Khris.

KHRIS RENNET:

Hi, how are you going?

COMMISSIONER COAKES:

Good. You have-

KHRIS RENNET:

Um, my business has been running for 30-odd years in Byron Bay. We're a window cleaning, house washing, maintenance style business. Ah, well, I guess, we're a service business. We employ four people. Um, all casual, but they work a solid 30-plus hours a week. Ah, 40% to 50% of our business would be STRA. We also look after permanent rental, ah, bond cleans, et cetera, that sort of deal. And we also have a lot of older residential clients that some of which have been with our company for 30-odd years.

Ah, I've seen the town change a lot in the last decade or so. It's changed a lot in the last 30, or 40, or 100 years, as everything changes. Ah, we use all local services in town to supply our business. Ah, local employees, in the area, from the area, regional area. And we use all the services for - residential area, and we use all services for uh, supplying uh, services to our vans, our cleaning goods, um, maintenance on our cleaning equipment, et cetera, et cetera. So we, we definitely have our own economy going within the economy in Byron Bay. My concerns about the numbers moving back to 90 days is that even in a short period since Christmas, I'm not at the forefront of um, the occupancy rates and what have you that are going on at the moment, but I'm already seeing that bookings are pulling back right now as of, market force taking place. This is no regulations, this is no government or council interference. We're seeing the natural market pull the marketplace back now due to you know, the RBA's uh, interest rate hikes, et cetera, et cetera, I'm definitely seeing already bookings pulling back.

Uh, I'd also like to know that... I would say, less than 1%, in fact none of the properties that we work and claim in the STRA side of our business could possibly be affordable rentals. These are places that rent for 1000s and 1000s of dollars, and not, they're not going to be affordable rental if they're taken off the STRA market. I find it hard to understand how you're gonna get a 3 to 5 to \$10 million home to become a, an affordable rental. If anything, I'm seeing people buying those houses and taking them out of the rental market altogether. Uh, that's just my experience in dealing with lots of different owners, and landlords, and uh, STRA businesses. Um, my other concern also is, where do those rules stop? So we see 90 days, where does it stop? Do we go to zero days, 14 days? I wanna know what the boundaries are and what the rules will be down the track, as trying to run a business around a Council meeting that can change from one avenue to another from month to month is not feasible for local businesses to keep running their businesses.

Um, I also wanna know at, at what point, how do we know that... Do you stop interstate buyers from buying properties in Byron Bay? I mean, my, my main concern is, where did the lines lay as far as how far you go with those rules? Um, also I wanna know with all this uncertainty, and if things do turn down and we find we lose 40 to 50% of our business, is there compensation for that, for the local businesses who work here? The people who lose their jobs, because I will not need the staff that I have right now. In the end, I feel personally that market forces will have their way with this, it's just a real estate cycle that we're seeing right now. Byron Bay is at probably one of the

pointer ends of that real estate cycle. It's not a little regional town, it is one of Australia's major tourist spots. I don't think we're gonna get it back to the 70s, 80s, 90s, or even early 2000s, and I don't see that happening anywhere in the world right now. I don't understand how you can make affordable rentals without specifically building those affordable rentals. You can't force a landlord to make the property affordable.

In the end, I'd just like to see a measured, sensible outcome in the context of Australia. Not always so Byron centric and extreme, I'd just like to see some reason in the outcome of this whole scenario, so that both residents who live here and work here can have some form of certainty or boundaries that we know we can all work within to make the community work going forward. Thank you.

COMMISSIONER COAKES:

Thank you Mr. Rennet. Any questions from the Panel?

COMMISSIONER GRANT:

Oh, I just had one clarification. Your, the phone crack- crackled a bit.

KHRIS RENNET:

Sure.

COMMISSIONER GRANT:

What percentage of your business did you say, or the properties you look after was, were strapped?

KHRIS RENNET:

Uh, solid 40 to 50%.

COMMISSIONER GRANT:

Oh okay. Thanks. Sorry, I just didn't hear that, thank you.

KHRIS RENNET:

Yeah. Yeah, no problem.

COMMISSIONER COAKES:

And, and Mr. Rennet, uh, Sherie Coakes here. Just also, have you had... And we've heard obviously today from certain businesses the, um, issues they've been experiencing in terms of, um, accommodation for their staff. Have you had any of those same issues?

KHRIS RENNET:

Uh, yeah, a little bit, but, you know, well I grew up in Sydney, uh, probably a lot of people who live in Byron Bay, and, uh, having to drive through for hours to go to work wasn't a big deal (laughs).

COMMISSIONER COAKES:

Yeah, okay.

KHRIS RENNET:

So, you know, we'll have to drive to work.

COMMISSIONER COAKES:

Okay, thank you. And I think Richard has a further question.

COMMISSIONER MACKAY:

Yes, thanks Mr. Rennet. Just a, a quick question, you made reference to the very expensive, um, rentals that you, um, uh, clean and service.

KHRIS RENNET:

Yeah.

COMMISSIONER MACKAY:

Have, have you had a look at the, um, the precinct maps in the Council proposal? Because-

KHRIS RENNET:

I have.

COMMISSIONER MACKAY:

... So, I mean, uh, it just, with respect to your business, do you-

KHRIS RENNET:

Yeah.

COMMISSIONER MACKAY:

... Deal with lots of um, houses of that calibre that are outside the, uh, precincts that are proposed for 365 day caps?

KHRIS RENNET:

There are, yes. Yes. I can give you a classic example of driving into town on Shirley's, Shirley Street. Both sides of that road, you've got one side not holiday letting, and the other side you've got holiday letting. There are holiday lets on both sides of that road. I just, again, for me, this is the fuzziness on boundaries and trying to work out how this is gonna work.

COMMISSIONER MACKAY:

I, I think unless I'm mistaken, Mr. Rennet, as you drive into town along Shirley Street, with the exception-

KHRIS RENNET:

Yeah.

COMMISSIONER MACKAY:

... Of the former school, um, isn't both sides of that street proposed within a 365 zone under the um, precincts adopted by Council in December?

KHRIS RENNET:

So... I might have the wrong street. So, coming in from Ewingsdale Road in- into town, yes?

COMMISSIONER MACKAY:

Yeah, I'm not... Look, I, I'm not seeking to make that as sort of detail point. I guess, I guess it would be perhaps helpful and perhaps, could I invite you if you wanted to make a submission to the Commission-

KHRIS RENNET:

Sure.

COMMISSIONER MACKAY:

... Just to identify some of these large homes that you're talking about that would be unaffordable if put into the rental market, the ones, the ones that um, you're making reference to-

KHRIS RENNET:

No problem.

COMMISSIONER MACKAY:

... Yeah, with respect to your business, thank you.

COMMISSIONER COAKES:

Okay.

LUKE WATERSON SC:

And now we have Joshua Ackman.

COMMISSIONER COAKES:

No Joshua? Is he online?

LUKE WATERSON SC:

Ah.

COMMISSIONER COAKES:

Skip ahead.

LUKE WATERSON SC:

Peter Wallman. In person.

COMMISSIONER COAKES:

Okay.

PETER WALLMAN:

Councillors. Good afternoon. My name is Peter Wallman, I live in New Brighton. I have an Airbnb. Right, well so, still sort of recovering from the flood of the year ago, um, and my, my huge memory of that is 80 people coming to help us. So to hear that there's no local spirit anymore doesn't ring true for me. I won't, I'm coming at this from a slightly different angle of other people because I've been a CEO of three international corporations for 35 years. One in finance, was a small investment bank, one in strategy, and one in human development, which is what I do part of now. So I'm coming at this from the point of view of this, of a CEO, and the first thing a CEO does is look at the whole picture. And when you look at the whole picture of what's causing the distress up here, for me, the biggest issue is land appreciation prices in Australia. That's a federal government issue. It's caused in, to a large degree by allowing foreign in- investors into our market. There's a natural tendency obviously for land to appreciate, but when you... And there's more people over time, there's no more land. But when you actually artificially reduce the stock by bringing in foreign investors, it makes it much worse, much harder for us as Australians.

I would say the same is true for, um, for the way that superannuation funds can, can invest, and for negative gearing. All of those bring money into the property market and force prices up. So for me that's the starting point. The next issue is really social housing. And if you look at the social housing stock in New South Wales, it's the worst in the country. It's been completely neglected pretty much for a long time. When I first started working, social housing was an issue, and that's nearly 50 years ago. In fact, it is 50 years ago. The problem has not gone away. If you do the same thing over and over, you'll get the same results, that's where we are here.

Now I'm also very sad that people are looking at a nostalgic past that they're trying to recreate. It will never be like that. I absolutely agree with Mark Swivel that there needs to be some sort of vision to put all this energy toward some sort of way that we can have a way forward environment that's not just going back to the past, because we all know it's when, it's not gonna go back to the past, never does. And we're just entering a period of artificial intelligence, which is gonna change everything. Uh, so that's where I'm starting, and finishing very soon, that in fact we're trying to solve a problem at the local level, which has caused at the federal and the state level. And to some extent, that's madness. If the state and the federal government are not at the table, it's not a, possible, there's no solutions. And uh, it's good if the Council can be at the table as well.

So, I won't go on and on other than to say, I do have a concern about the capacity of the Council to execute anything. I live in a street where we've been trying to get a drain cleared for 10 years without success. The Council hasn't been able to clear a drain in 10 years despite provocation from all the residents. The north, The Northern Rivers Reconstruction Commission has \$700 million to give to five councils, Byron being one. I have it in writing from about three weeks ago that there had not been one contact between the Byron Council and The Northern Rivers Reconstruction Commission, or whatever it's called. So I have grave doubts about the capacity of the Council to do anything, and any solution has to include really um, some sort of cultural shift within the Council



so they actually do something. Mark Swivel was talking about this, that they're very good at making lists, but they do nothing, and that's my experience.

So it's a sad thing to say, I very much love this ar- area, I would love to be involved as much as I can, but I can't see anything happening unless we get the right people in the room. Thank you.

COMMISSIONER COAKES:

Thank you. Any questions? No? It's good? Okay.

LUKE WATERSON SC:

Uh, next, we have Jason Dunn.

JASON DUNN:

Thank you. Hello, can you hear me? All right. Um, good evening Commissioners, and thank you very much for taking the time to come and hear some of our community's concerns. Um, my name is Jason Dunn, and I'm a third generation local resident of Byron Bay. Uh, I'm speaking today on behalf of a number of businesses that would like to have their voices heard. I'm the owner of a commercial precinct in Byron Bay called Jonson Lane, and I'm representing these businesses. Um, I'm also a local property developer, um, and recently developed a rather large building at the end of Jonson Street. Um, we just completed that 10000 square meters, um, and why I'm bringing that up is we've built 28 permanent residential apartments on levels two and three. We have a bylaw on our strata that restricts the usage, um, and you may question why a developer would be restricting Airbnb or short term s- STRA accommodation on the main street of Byron Bay, that's because we're a big believer in trying to adjust the housing supply and bring our community back.

Um, on the ground floor in this building, we've got 13 businesses, and they're all struggling to hire people. We've got a huge number of job vacancies in particular across the restaurants that can't be filled due to a lack of worker accommodation in the area. Um, we're all aware of the unemployment rate at historical lows, but in Byron Bay, it is particularly difficult. Um, these staff are currently driving mainly from the Ballina, Tweed and Lismore Shires, and Ballina's half an hour away and some of Lismore's 15 minutes away, as you're, um, you're well aware. Um, it is really unsustainable for Byron Bay to be outsourcing our worker accommodation to other shires. We need to bring back the work accommodation into our own shire to create a quality experience, and Byron Shire Council needs to be able to regulate their own Shire within the State Government, um, planning regulation.

Uh, Don't hold it against me, but as a former investment banker of 15 years, and my final role being global head of global markets uh, at the Commonwealth Bank, uh, I was previously a finance lecturer at both the University of New South Wales, and the University of Sydney. Um, I've spent my working life looking at economic data. Uh, it's important to consider the economic loss of a significant number of houses in the permanent residential accommodation market which have been replaced with STRA. Um, what would the economic value generated of an additional 100... Sorry, let me try again. What would the economic value generated of an additional 280 more residents has been in Byron? We've obviously heard one side of the ledger, which is the loss of property management income, lending companies and cleanings, but there's also, what is the real cost of not having people employed in these houses? For example, the average wage in New South Wales is \$1800 per week at 93000 per year. Reintroducing 280 more properties in the permanent rental or accommodation market with an average full time uh, worker equivalent of two per household

would have a direct job creation of \$52 million per annum. And using the New South Wales treasury, which is obviously part of the State Government's calculator for indirect job value generation at 4.7 times for regional jobs, this would generate in nearly \$250 million in economic value being added per annum.

Um, I understand the Panel has received a number of economic impact assessments from various experts, which you'll consider, but I urge you to consider both sides of the ledger, as there is a huge value to the New South Wales economy generated from additional permanent residents in our town. As you've heard, Byron Bay is the most impacted postcode in Australia from holiday letting. And it's really impacting our community, it's impacting our businesses, and most importantly, it's threatening to kill the tourism industry over time because we can't provide a quality tourism experience without sufficient staff to operate these businesses. To be very clear, we're killing the golden goose, and in part, losing some of the town's soul. We need to focus on quality over quantity, otherwise our valued guests will be heading further towns for the holidays. And from the New South Wales government perspective, it'll heading across to Queensland, across the border.

Byron Bay is not the only popular tourism destination facing these challenges posed by short term residential accom- ... Uh, holiday accommodation. Uh, my wife is from New Zealand and I live in New uh, Queenstown, and we were there last month with our family. As you would know, Queenstown in New Zealand is another highly affected uh, council area. Uh, the Queenstown Lakes District Council have been going through the same issues that the Byron Shire Council are going through. Um, they're further ahead and implementing controls on short term holiday letting to deal with the housing issues, and they break the tourism accommodation with three distinct groups being visitor accommodation, residential visitor accommodation, and home stay. Um, I won't bore you with all the exact details as we'll put that in our submission, but to provide residential visitor accommodation, you need to register with council, and in residential holiday areas, it's kept between 42 and 90 days depending on where you are. In rural areas, it's capped at 120 nights, and the remaining areas it remain- ... It varies from 170 to unlimited. So, so you're not the first Panel to try and uh, regulate uh, the number of nights.

Um, today's a difficult discussion, as many of my friends are on the other side of this debate in the business community. Um, in relation to the precinct map, I would propose that you look at capping, um, or expanding that map to include the existing Byron town centre, so out to the uh, football grounds, and to the bridge at Belongil, which would mean that you would take back the historical residential suburbs such as Suffolk Park Bay, Baywood Chase, Byron Hills, and Sunrise back into um, a 90 day cap, and expand the 365 day cap. Um, so, yeah. Uh, um, so we're businesses that rely on holiday accommodation, but then, for still have the majority of the holiday houses, but Byron Council will be able to take back their residential suburbs to house what is most important in our town, the residents. Thank you very much for your time.

COMMISSIONER COAKES:

Thank you, Mr. Dunn. Question from Richard.

COMMISSIONER MACKAY:

Thank, thank you Mr. Dunn. I'd just, just like to understand the point that you're putting to us about the economic value of a residential use versus a STRA use.

JASON DUNN:

Yep.

COMMISSIONER MACKAY:

I'm not seeking to tie you to numbers, but, but are you putting to us that if we did, if, if we just looked at an unweighted economic contribution that a household that is living here permanently in terms of its multiplier effect on the local economy is a better outcome than a STRA income?

JASON DUNN:

Correct. So, so the average person, you know, \$93000 per person, the average number of people in the household, that you know, \$600000 of um, uh, you know, employment income in the town with the multiplier effect would outweigh the economic loss of um, cleaning linen and property management fees.

COMMISSIONER MACKAY:

Well, I think um, that the Panel would certainly welcome if you would like to put... I mean, noting your um, CV.

JASON DUNN:

Yep.

COMMISSIONER MACKAY:

Um, if, if you'd like to put some, work the example or similar before us in, in a form that we could actually engage with some numbers. That would be very welcome, thank you.

Jason Dunn:

Thank you very much for your time. I appreciate it.

LUKE WATERSON SC:

Uh, next, we have uh, Lilith Christofferson on telephone.

LILITH CHRISTOFFERSON:

Yes, hello. Can, can you hear me okay?

LUKE WATERSON SC:

Yes.

COMMISSIONER COAKES:

Yes.

LILITH CHRISTOFFERSON:

Brilliant. Okay, so firstly, I would like to thank the Commissioner for holding this hearing, and giving us all the opportunity to have our say on this important issue ... I'm getting some feedback here.

COMMISSIONER COAKES:

We can hear the-

LUKE WATERSON:

Per- perhaps take your phone off speaker if it's on speaker.

LILITH CHRISTOFFERSON:

Yeah, there we go. Okay. So I am a business owner of Platinum Cleaning Byron Bay. We're a cleaning business based in Byron, cleaning the short term holiday accommodation. We are one of the many cleaning companies here who would be greatly affected if this 90 day cap comes into force. I've lived and worked in Byron Bay for 15 years, and the business has been operating since 2016, and the team comprises of 18 people. I use local products, as well as shopping in the local major turn and the better electrical shop for the equipment. We have 95% of our business coming from the short term holiday accommodation in the shire. My business and all the 18 people who receive the work from the business would also suffer. I would have to reduce the team significantly if this 90 day cap goes ahead. The tourism is the greatest source of employment in the region directly and indirectly. Tourism is the lifeblood of Byron. Even those who don't work in the industry benefit from the millions of dollars that flow into the economy every year, and short term rental accommodation alone contributes to a huge list of jobs for local people. From cleaning teams like ourselves to gardening, maintenance, property maintenance and the reservation offices.

1000s of people will lose their jobs, and the effects from this will be staggering, and the community as a whole will suffer the knock on effect. I really do appreciate the situation, and I understand everybody's frustration of the lack of affordable housing. And affordable housing is the key issue here, not just rentals back into the market. There are a few points that I would like to raise. The aim of this 90 day cap is to return houses back to the rental market. It is vital that you do take into consideration that up to 70 or 80% of the property owners of these houses, they come and go throughout the year, so it's just not going to suit them to return the house to the rental market. And many of these houses are also multimillion dollar properties, and they're not gonna be affordable houses into the rental market either. So with that, this 90 day cap will not succeed in the desired outcome that it wants to achieve.

And something else that I would like to highlight is that Byron Shire Council had a few years ago an initiative to create more a- affordable rentals by waiving the DA for the new granny flats to be built. Included in that was a clause that they weren't to be used for the short term holiday letting. Yet, that has not been enforced. Many of these second dwellings are used as short term holiday rentals, and also, these second dwellings in many situations are classed as hosted, and so, therefore, won't be affected by the 90 day cap. So really, if these granny flats could go back into the rental market, this would actually make a difference, as many cases, they would actually be affordable. So I would strongly suggest that Council start to enforce this rule with the granny flats to get them back into the rental market so the community can gain some much needed affordable housing.

And another part of the problem as I see it is that the population of Australia has increased by 7 million people in the last 20 years. That's a third more people than we're here in 2000. Yet there

isn't enough done by local and State Government to provide and factor in the necessary infrastructure for this growing population. I feel that we have been let down badly, and are now in this crisis situation. And then, to look at privately owned properties as the solution to the housing crisis is all very harsh, when really the problem lies with a major lack of infrastructure and planning for the growing population. And Byron Bay has also grown in popularity in these last years. During COVID, there was a huge migration away from the cities and into the regional areas, which I'm sure you're all aware of. This has created a greater demand for housing which has driven up property prices, and rental prices, and in turn reduced the rental availability. People were offering six month's rent in advance in some situations, 'cause something was happening at an alarming rate. And the demand for housing here due to the migration away from the major cities has had a major contributing factor to our housing shortage.

Byron Shire Council has a residential strategy started in 2020, which is a great start, and I sincerely hope that the desired affordable housing comes out through this initiative. And I'd like to raise a point, um, Catherine Coorey mentioned earlier that the Council, um, they're not getting any revenue other than the paid parking. And for me, this indicates, this really needs a serious look at how Council can raise some funds from the 2 million plus visitors we get here each year. It could be a simple visitors payment on entry to the bay, or a toll on Ewingsdale Road for example. I mean, I'm not an expert on how the legislation and the, the situation goes on how Council can raise money from visitors to the shire, but with the millions of visitors we get here each year, it's crazy to me that Council hasn't devised a way to raise money for the community through the tourism that we receive.

So really, there's just been such a lack of planning and foresight from all levels of government for the growing population, and I sincerely hope to see new houses being built to accommodate the people of Australia, including those that needs to be affordable for young people and families. We need affordable housing, and we need a thriving holiday destination with work for all the locals. It's a complex, multipronged issue, and I sincerely hope for the best possible outcome, and that the jobs created by the short term holiday industry do remain intact. I'm really grateful for having this opportunity to speak today.

COMMISSIONER COAKES:

Thank you Ms. Christofferson. Any questions of the Panel? Yes, Richard?

COMMISSIONER MACKAY:

Uh, yes. Um, thank you, Ms. Christofferson. I, I, I might, if I may just ask you the same question, um, that I asked some earliest. Because, uh, you, I, I take it you're familiar with the precincts that are proposed by counsel for the 365 day cap, are you?

LILITH CHRISTOFFERSON:

I am. Not off by heart. But yes, I, I did have a look at that, yes.

COMMISSIONER MACKAY:

No, that's all right. I, I, I don't mean a memory test. It's just, it's just, that, um, in, in driving those precincts and looking at Byron Bay, it does rather seem that most of the um, multimillion dollar, you know, substantial 1000s of dollars a night, um, resi- ... Short term residential properties are actually located within those precincts, and I just invite you to put before the Panel if you've got

some numbers or experience, um, either now or in a submission about, you know, your clients who have properties that sit-

LILITH CHRISTOFFERSON:

Yeah.

COMMISSIONER MACKAY:

... Outside those precincts, please.

LILITH CHRISTOFFERSON:

Yes. Yeah, for sure. Um, I mean, I would have to sit down, and have a look at the precincts, and then see, um, which houses fall in and fall out. I mean, for example, Shirley Streets. Um, I wa- ... I was, I was told that as you're driving into Byron, the left hand side of Shirley Street will be included, but the right hand side wouldn't. So, that, that was a little bit strange. I mean, you know, the left hand side has got a lot more bigger houses, but there are still some on the right hand side, and, um, I have one property owner who was, who was quite upset that he was falling out of the um, the precinct just because he was across the road.

COMMISSIONER MACKAY:

Look, I, I think it would perhaps be appropriate for you to look at the precinct maps yourself, and if you'd like to make comment on that, the Panel would welcome that in a submission.

LILITH CHRISTOFFERSON:

Okay.

COMMISSIONER COAKES:

And Ms. Christofferson, just one last question which I've asked of other local businesses that have presented today, but with 18 people employed in your business, um, I guess what proportion of those are living locally or driving in, um, to work?

LILITH CHRISTOFFERSON:

Um, well I have, I have also some, um, holiday visa visitors-

COMMISSIONER COAKES:

Yeah.

LILITH CHRISTOFFERSON:

... That working holiday visa, and they are living in Byron, Byron Bay. But all the locals are in the surrounding areas, Mullumbimby, Ocean Shores.

COMMISSIONER COAKES:

Okay. Thank you very much.

LILITH CHRISTOFFERSON:

Yeah.

COMMISSIONER COAKES:

Thank you for your time today.

LILITH CHRISTOFFERSON:

Thank you very much.

COMMISSIONER COAKES:

Okay, well that brings us to the end of day one of this public hearing. I would like to thank everyone who's presented today for your very thoughtful presentations. A transcript of today's proceedings will be made available on our website in, in the next few days. Just a reminder, the Commission will now accept written submissions on the Byron Shire Short-term Rental Accommodation Planning Proposal up until 5:00 PM on Wednesday, the eighth of March. You can submit your comments using the make a submission portal on our website, or by email, or post. We'll be back in the morning at 10 o'clock for day two of proceedings, but thank you very much for your time, uh, with us today. And from all of us at the Commission, enjoy your evening, and good night. Thank you.