

Timeline summary

February 2019 to February 2022

Short-term rental accommodation planning proposal

5 February 2019: Ministerial Direction Issued

March – November 2019

Byron Shire Council Action

Work undertaken by Council to satisfy the ministerial direction:

- Preliminary research into Airbnb and other online platforms by staff (data collection, collation, and mining)
- Southern Cross University survey of Byron Shire residents on the impacts of Airbnb completed
- Southern Cross University research project to understand how Airbnb has impacted approved accommodation providers progressed

Impact of Airbnb - Southern Cross University

- Baseline economic impact data developed
- Draft planning controls drafted

DPIE Action

Council was advised that it needed to collate at least 5 years data to support any EIA for the PP.

Note: there was no baseline data kept by the DPIE and data was otherwise difficult to source as AirBnb would not supply data or information directly to Council.

13 December 2019

Byron Shire Council Action

Council resolved at the Ordinary Council meeting 13 December 2019 (Resolution 19-376)

1. That Council request staff to prepare a planning proposal to amend Byron Local Environmental Plan 2014 in accordance with the draft planning controls in Attachment 1 (E2019/85833) except to replace point 4 with a new point 4 “investigate and apply an appropriate planning mechanism to limit 10% of the total housing stock in use as non-hosted STRA”.

2. That Council request staff to undertake an online community engagement activity of the draft planning proposal controls during December and January to canvass community opinion on the controls.

3. That Council receive a report on the community engagement activity with a finalised planning proposal, for endorsement to submit to the Department of Industry and Environment for Gateway Determination in February 2020.

January - February 2020

Byron Shire Council Action

Items 2 and 3 of Resolution 19-376 progressed.

9 March 2020

Byron Shire Council Action

Council resolved at the 20 February 2020 Planning meeting (Resolution 20-021):

That Council forward the Planning Proposal (Attachment 1 #E2020/9498) to NSW Department of Planning for a Gateway determination after making the following adjustments:

The planning proposal was amended in accordance with the Council resolution and forwarded to DPIE for a gateway determination on 9 March 2020.

24 June 2020

DPIE Action

Deputy Secretary Tim Hurst, wrote to Council on 24 June 2020, requesting the following information:

Further direction from Council whether it is seeking to incorporate a savings provision for properties currently being used for non-hosted STRA purposes and, if not, the implications for any existing landowners and whether they would be able to continue their existing practices despite the introduction of new requirements.

An economic analysis that evaluates and considers the impacts on the tourism industry and long-term rental housing market if landowners are required to limit the use of their non-hosted STRA to 90 days or less.

Further clarification on the intention for any new STRA provisions in Byron LEP 2014 to override any STRA SEPP as it applies to Byron Shire.

24 July 2020

Byron Shire Council Action

Teleconference with the Department to discuss the RFI, noting the economic study may take significant time and expense to complete.

Department provides verbal advice indicating that further clarification on the EIA would be forthcoming.

10 December 2020

DPIE Action

Department provides a draft Economic Impact Assessment framework to clarify the scope of the study.

5 March 2021

Council resolved at the 19 November 2020 Planning meeting (Resolution 20-605):

Resolved that Council:

... 2. Agrees to amend the planning proposal to include precinct areas that permit non-hosted STRA for 365 days per year in those areas that have already been taken up almost exclusively for STRA, and 90 days for those areas that have not. The precinct areas are shown in the maps in Attachment 1(#2020/89860) with the exception of the Brunswick Heads map, which is to be amended and replaced with a map that deletes the 365-day area from land west of Tweed Street.

3. Authorises staff to submit an amended planning proposal to the Department of Industry and Environment for Gateway determination that satisfies item 2.

The Planning Proposal was amended in accordance with the Council resolution and resubmitted through the planning portal on 5/3/2021. The amended planning proposal responds to the Department's RFI however the economic study is not provided as the cost is prohibitive for Council.

DPIE Action

Planning proposal not accepted because it was lodged through the 'Online Submission System', rather than the new 'Planning Proposals Online' section of the portal.

Further investigation revealed that Council staff did not have access to the Planning Proposals Online section of the Planning Portal. This is later corrected by the Department.

4 May 2021

Byron Shire Council Action

The revised planning proposal is resubmitted through the Planning Proposals Online Section of the Portal.

DPIE Action

Revised planning proposal accepted by the Department on 04/05/2021.

May- June 2021

Byron Shire Council Action

Ongoing discussion between Northern Region Office, PDU and Council over funding for the EIA due to high cost.

Joint funding agreement reached in June 2021.

24 June 2021

DPIE Action

Conditional gateway issued. The planning proposal will now be an amendment to the Affordable Rental Housing SEPP rather than Byron LEP 2014. The economic study needs to be completed prior to public exhibition and the planning proposal must reflect the recommendations of the report.

22 July 2021

DPIE Action

Letter from Marcus Ray confirming that no further extensions of time will be made available.

26 July 2021

Byron Shire Council Action

Urbis engaged as consultant to undertake EIA. PDU agree to joint funding arrangement with Council.

12 October 2021

Byron Shire Council Action

Response to Marcus Ray letter dated 22 July 2021 requesting advice on existing use rights and how the register will respond to the SEPP commencing ahead of finalising the planning proposal and clarification of the ambiguous Gateway determination which reads that both instruments (LEP and SEPP) are to be amended.

21 October 2021

DPIE Action

Draft STRA EIA issued for review and comment.

27 October 2021

DPIE Action

Letter from Marcus Ray responding to questions in Council's 12 Oct 2021 letter and makes certain conclusions in relation to the draft EIA prior to council review and feedback.

2 November 2021

Byron Shire Council Action

Response to Marcus Ray letter dated 27 Oct 2021 requesting that due process be respected to enable considered review of the draft EIA and for broad community consultation through the planning proposal process.

4 November 2021

Byron Shire Council Action

Preliminary comments on Draft STRA EIA provided to PDU with detailed comments to follow.

10 November 2021

Byron Shire Council Action

Detailed comments on Draft STRA EIA provided to PDU.

30 November 2021

Byron Shire Council Action

Council received a final STRA EIA

DPIE Action

PDU advised that Council would receive a letter from the DPIE outlining their outcomes from the STRA EIA.

7 December 2021

DPIE Action

PDU made contact seeking Council's agreement to upload the EIA to the DPIE STRA webpage "Byron Shire".

Byron Shire Council Action (7 December 2021)

Council advised PDU that it objected to the EIA being uploaded. It is not an agreed position and has not been reported to Council.

8 December 2021

Byron Shire Council Action

Council writes to DPIE Secretary requesting an urgent meeting.

14 December 2021

DPIE Action

Teleconference between Council and PDU. Council advised that DPIE agree to Council request. That time will be given for staff to report the EIA and Planning Proposal to Council at the first meeting in February 2022. Reiterate that no change to the 31 January 2021 date is possible

24 December 2021

DPIE Action

Letter from Brett Whitworth advising interalia that the PDU has endorsed the Urbis final EIA report which is for a 180-day cap on non-hosted STRA in Byron Shire. The reason given is it generates the highest overall net benefits to almost all key stakeholders of the six options tested in the EIA.

21 January 2022

DPIE Action

Letter from Marcus Rae advising:

...Due to the high level of community interest in this matter over a long period of time and noting that the STRA Register opened to Byron residents on 5 December 2021, the Department's priority is to ensure that certainty is provided as quickly as possible to all Byron Shire homeowners, residents and businesses. To date there are close to 1,000 STRA hosts registered on the STRA register. Making the EIA publicly available with the planning proposal will help inform the community in relation to this issue.

I expect that this will occur as a result of the February council meeting. If for whatever reason the EIA is not made public by the end of next month the Department proposes to make it available on its website...

24 February 2022

Byron Shire Council Action

Staff report to ordinary Council meeting on STRA EIA and PP.