
From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 3:57 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
2481

Submission

I do not agree with AIRBNB allowing people to holiday let private homes in Byron Bay. This is having a significant impact on local accomodations businesses.

Its also making Byron Bay unaffordable for locals as all investment rentals properties are now AIRBNB.

This needs to stop to save the local business owners who have been operating in the registered holiday let zone areas.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 11:43 AM
To: DPE PS STHL Mailbox [REDACTED]
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
12136

Submission

Please place limitations on short term rentals. Living next to a party house is no fun. I want to know my neighbors .

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 11:14 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
2481

Submission

Air bnb and other short term holiday rentals are driving prices higher and wildly reducing the amount of rental houses available in our area. This has a disastrous effect my family. My mother and two young brothers are currently homeless, unable to find a rental, sleeping between friends houses and when necessary in the car. I recently had to move and found it extremely difficult to locate a small place for myself. This is due to many factors but it definitely is a major contributor. In our last street over half were short term rentals, noise was constant and disruptive even though it was a residential zone. It contributes greatly to imagine a future in competition with an investor class turning our housing options into residential hotels and driving us out, disconnecting communities and families. Could go on but it's just a bit of a bummer.

Response to DRAFT - Code of Conduct for the Short-term Rental Accommodation Industry

Section	Response
<p><i>5.4.8 Obligations to neighbours</i></p> <p>A host must give the owners corporation for the premises (if applicable), the community association for the premises (if applicable), and the occupants of the residential premises directly neighbouring the premises subject to the short-term rental accommodation arrangement the following information: (a) that the host is operating short-term rental accommodation on the premises (b) the contact details of the host or an authorised representative.</p>	<p>Impacts of STRA extend beyond the properties immediately adjoining the boundaries. Notification of the contact details of the host, proprietor, manager, letting agent or other authorised representative should be made more widely available. These details should be affixed in a clearly observable location to the front of the property. They should also be contained in a public register maintained by the Commissioner that can be accessed via its website at any time. The provision of incorrect details or failure to respond to neighbours contacting these persons should be made an offence under section 54 of the Act and subject to the relevant penalties. As this provision currently stands it is very difficult to identify who to contact when a breach occurs, it is limited to only immediately adjacent properties and there is no penalty if those complaints are not responded to. This is an obvious weak point in the code.</p> <p>Some Development Applications and STRA agreements and ‘house rules’ specify that a bond may be kept in full or in part for breaches of rules that result from complaints by neighbours. That bond is typically kept by the proprietor or manager. Unfortunately it does not compensate the neighbours who have been impacted by the breaches. The code does not go far enough to protect the amenity of neighbours nor to penalise, sanction or deter the host, proprietor, manager, letting agent or other authorised representative for the negative impacts of STRA on neighbourhood amenity. This needs to be the strongest part of the code of conduct and it is clearly found wanting.</p>
<p><i>5.5.2 Obligations to neighbours</i></p>	<p>This section refers to ‘occupants’ of any immediately adjoining premises. Impacts of STRA extend well beyond immediately adjacent properties. This section should be amended to provide for anyone in a reasonable proximity to the STRA premises to be protected under this section and be afforded the same rights as those immediately adjacent. The term</p>

	<p>'occupant' should extend to visitors and also pets. Violence and threats to pets must not be tolerated in any manner.</p>
<p>6.2.1 <i>Contraventions of the criminal law or civil penalty provisions</i></p>	<p>Most of s5.5.2 is covered under criminal laws. 6.2.1 states that the commissioner may decline to accept such complaints and they should be referred to the Police. This appears to significantly limit the role of the Commissioner. Notwithstanding s6.2.2 the Commissioner should continue to assist the complainant and act in conjunction with the Police to ensure the matter is appropriately dealt with. The NSW Police resources are already stretched which risks the matter to not be resolved adequately or in a reasonable time frame. The Commissioner should play a facilitation role with the police and make all endeavours to resolve the matter with the Police. The Commissioner cannot simply pass the matter over to the Police and absolve him/herself from the matter.</p>
<p>6.2.3-6.2.5 <i>Contraventions of planning laws</i> <i>Contraventions of by-laws</i></p>	<p>As above, and only insofar as the matter relates to the amenity of neighbours and the locale, the Commissioner should play a facilitation role with the complainant to ensure the matter is heard and adequately dealt with by the relevant authorities. If the Minister seeks to enable STRA it must increase its service level to protect the amenity and safety of residents and ensure the impacts on neighbours are appropriately dealt with. This is a cost of playing in this space which neighbourhood residents should not have to bear.</p>

Response to Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019

section	response
<p>22C: Short-term rental accommodation industry participants excluded from code of conduct</p> <p>This section excludes a) the proprietor or manager of tourist and visitor accommodation within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006, Note. "Tourist and visitor accommodation" includes backpackers' accommodation, hotel or motel accommodation and serviced apartments.</p>	<p>Many residential dwellings have been approved or are currently being assessed for development applications to change their use to Serviced Apartment. The purpose of this change is to permit STRA at the properties. These dwellings will be managed by on-site and off-site proprietors and managers. To exclude them from the operation of the code of conduct is to the detriment of the entire purpose of this code of conduct. These industry participants must be included under the code of conduct to protect neighbours from the impacts of STRA and to provide regulatory sanctions that can be enforced should they not conduct the operation of the premises in a way that negatively impacts neighbours and places burden on local council resources. The protection of local neighbours amenity is paramount in the function of STRA. Breaches must be enforceable and penalties must be significant to provide deterrent.</p>
<p>22F Penalty units</p>	<p>The draft regulation states the monetary penalty units are 10,000 for corporations and 2,000 for other cases. These amounts should be set as the minimum level and not the maximum. Sanctions and deterrents must be meaningful. In many cases bonds taken from tenants exceed the equivalent of 200 penalty units set out in 22f and elsewhere in s54 of the Act. It far exceeds the penalty stated in the code schedule 1 Part 4A [2] of \$550. This means if a breach has occurred and a bond has been seized by a proprietor or manager, the bond will more than adequately cover the penalty and will not affect the proprietor or manager in the monetary way this code intends. Thus the current level of penalty units does not provide the necessary deterrent for breaches of the code and should be significantly increased.</p>

Response to draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019

I concur that all dwellings used for STRA must meet the minimum standards for fire safety and evacuation set out in this regulation. The Childers backpacker fire is still a recent tragic memory. Occupancy of STRA dwellings is often at far higher levels than what would normally occur in a residential land use. Many are approved for 12 people. If there are 12 people occupying an unfamiliar property that is on fire in the dark, those occupants are going to need additional assistance and guidance to evacuate the dwelling. Therefore authorities should set the fire safety and evacuations regulations at a high standard to ensure public safety in these unfamiliar surroundings. Providers should also demonstrate they hold relevant insurance policies on the property for short term rental accommodation as a condition of planning approval and dwellings should be inspected annually to ensure all compliance is met. The cost of compliance inspections should be met by the property owner.

Response to industry led STRA Register.

issue	response
a) Role of industry in developing and managing a registration system	<p>Industry must be required under the Act to provide all relevant details to the Commissioner of all properties and industry participants subject to STRA. Relevant forms of identification must be provided by industry participants prior to a property being registered, sufficient that property details, and the industry participant's identity, address and contact details are accurate and current.</p> <p>The register must be held and administered by the Commissioner. Penalties must apply where industry participants have not provided information or have provided misleading or false information to the Commissioner. I don't consider it appropriate that the register should be administered by industry. It should be administered by the Commissioner however the commissioner may seek advice on its effective operation from industry participants. Industry should only be a data collection and advice agency.</p>
b) Process for registering a property	A web-based registration system administered by the Commissioner.
c) Information required to be included on the register	Name, address and contact details of all relevant industry participants e.g. Property owner, host, manager, letting agent, booking platform for each STRA property.

	<p>Property address, real property description (Lot/Plan), registered proprietor.</p> <p>All planning rules and conditions subject to any DA's.</p> <p>By laws it may be subject to.</p> <p>Any actions, dealings or other advices from the Commissioner in relation to the property and any of the relevant industry participants e.g. complaints, strikes, warnings.</p>
d) Verification of the register's accuracy and completeness and the associated reporting	<p>The commissioner must ensure the register is accurate and complete. All relevant forms of identification must be provided by industry participants prior to a property being registered and at any time there is a change, sufficient that property details, and the industry participant's identity, address and contact details are accurate and current.</p> <p>Penalties must apply where industry participants have not provided information, have deliberately provided incomplete information or have provided misleading or false information to the Commissioner.</p> <p>Although the Commissioner is responsible for the veracity of the register, industry must also be lawfully required to ensure information is provided promptly, completely and accurately.</p>
e) Access to information on the register	<p>Access to this information must be free and publicly available via the Commissioner's website.</p>
f) Costs associated with establishing and managing the register	<p>All costs must be borne from recurring levies and registration fees collected from industry participants. This must not be the responsibility of rate-payers or state tax payers. STRA must be a user-pays system.</p>

g) Time needed to develop a registration system.	STRA cannot be permitted to commence under the Act until the registration system is in place and working and local authorities are capable of performing the assessment and compliance work.
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Other feedback on:

h) when the regulatory framework should commence	
i) the proposed scope of the review of the STRA regulatory framework 12 months after it commences, which the Government has committed to completing.	The review must consider the number and nature of complaints for breaches of the code and complaints of other matters not captured by the code. It should also consider the volume of dwellings used for STRA and if this is having an effect on the social fibre of communities.

Miscellaneous:

Regulation of STRA should be founded in ensuring that residential neighbourhoods are protected from the amenity impacts of STRA. This should be the key focus of all stakeholders. Complainants of breaches of the code of conduct should not be restricted to only those occupants of properties immediately adjacent to the STRA dwelling. The impacts spread a lot further and anybody impacted by this use of land should have the right to complain to the Commissioner. Certainly this is not restricted when complaints are made to the Police, so why should they for Fair Trading?

Complaints must be capable of being lodged quickly and easily and must have a statutory response and resolution time limit that Fair Trading must resolve complaints within. Breaches must be capable of being investigated and sanctions enforced swiftly and efficiently by the regulatory authorities. Fair Trading offices and Local authorities must also be adequately resourced and empowered to protect the community. The system should be funded by industry participants and not the broader rate-payers or state tax payers. Local authorities should have the ability to restrict the number of days a premises can be let for STRA. Residential houses should be restricted to no more than 60 days. STRA can work well if it is adequately controlled and breaches are satisfactorily dealt with. We should not get lost in the monetary benefits of this land use at the risk of ruining residential neighbourhoods and their sense of community.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 2:49 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Arcadia Vale 2283

Submission

Short Term Rental Legislation should foremost protect and enhance the amenity of a community. Please assess my submission herein and ask yourself if you would be happy to have this type of house near where you live.

Whether for business or recreation purposes short term renting in our community of Lake Macquarie has been in existence for a long time without adverse impact. However, this dynamic has altered recently with the emergence of dwellings capable of accommodating large numbers of guests. Creating the "party house" scenario.

The property adjoining ours advertises for 14 plus guests and as a result we are forced to vacate our home with every booking. These types of properties where large numbers are accommodated is ever-increasing. Each time we look at these booking sites the number of suitable properties has grown. Last count 22.

Lake Macquarie Council has failed to enforce existing zonings, building codes and use regulations. Even though Council has been notified of unauthorised building alterations they fall back on the lack of resources excuse as to why they are unable to act. How will they ever be able to cope with any new State Legislation coming into effect.

Our home is uninhabitable when the adjoining house is short term rented. We have been unable to reside in our home during periods of school holidays or any weekend, with the exception of one or two, since January 2019. We are forced to drive to Sydney to stay with relatives.

Therefore, I would propose the following:


Number of STR occupants in a dwelling be limited.

When consideration is given as to whether an area is suitable for STR, this consideration should favour permanent residents of an area who need their sleep and rest in order to function or are in often life saving occupations, e.g. emergency workers, hospital staff, the aged and ill, law enforcers.

There is no benefit to a community from large numbers occupying a home originally built for a modest family unit. They arrive in several vehicles with enough provisions so they do not have to leave the house and can continue "partying" through the day and night - often spilling out onto the street and nearby parks. By restricting the number of nights a house can be SRT to say 180 booked nights, simply means we would be unable to live in our home every weekend of the year! No different to now. How could this even be policed adequately e.g. are they paid renters, family or friends.

Property owners wanting to SRT their properties should be required to submit a formal DA, with neighbouring property owners invited to comment. I purchased my property with the knowledge that SRT was illegal in my immediate community area, and now Council's lack of vigilance in this matter has made my home uninhabitable at times, affected our health and also made our property unsuitable to any

prospective long term tenancy. The only possible purchaser of our property would be someone wanting to run a STR. Thus, exacerbating the problem for the community.



Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

Monday 9 September 2019

Dear Sir/Madam,

RE: SHORT-TERM RENTAL ACCOMMODATION REVIEW

I am concerned the documents on exhibition do not consider that boarding house managers are using booking platforms to obtain short-term tenants.

I am angry that our community is being bombarded with development applications for boarding houses through the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH).

We have all the downside of their existence (that is, bigger, bulkier structures with more people in confined spaces). The one plus is that the proper beneficiaries, those on lower incomes, supposedly get affordable rents.

AIMS OF THE POLICY

Clause 3 of State Environmental Planning Policy (Affordable Rental Housing 2009) (SEPP ARH) provides the aims of the Policy, including:

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing

The Environmental Planning and Assessment Act 1979 defines "affordable housing" as follows:
"affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument."

DEFINITION OF AFFORDABLE HOUSING

Clause 6(1) of SEPP ARH provides:

(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household:

(a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

WHAT WEEKLY RENT IS CONSIDERED “AFFORDABLE”?

Using Australian Bureau of Statistics 2016 Census statistics, the following calculations demonstrate the benefit to the developer:

- Maximum income of household: SEPP ARH: $\$47,281 \times 120\% = \$56,737.20$
- Maximum rental: SEPP ARH: $\$47,281 \times 120\% \times 30\% = \$17,021.16$ / annum (\$327.33 / week)

WHAT IS HAPPENING IN REALITY?

Clause 6 is only a definition, but is not enforced. Developers are allowed to set rents OVER \$372 per week per room (though in excess of what is considered “affordable”) and still qualify for generous planning concessions.

There are numerous developments in my electorate renting between \$420 and \$520 per week.

Developers are also renting their SEP AHR properties (which are supposedly affordable housing for very low, low and middle income workers) on booking platforms.

BAN SINGLE NIGHT RENTAL FOR SEPP AHR PROPERTIES

Despite a 3-month minimum tenancy period, one local boarding house has advertised their property for \$140 per night on a booking platform. How is that even affordable?

To ensure housing stock is actually available to people who need affordable housing, I ask that the short-term rental accommodation regulation imposes a ban on single night rental for properties built under the SEPP AHR. This would discourage housing stock being rented through booking platform to travellers or even being used as an illegal brothel.

POLICY AND GOVERNANCE ARE LACKING

Boarding houses operate in a void.

“Boarding houses are the intersection of lots of community interest — state housing interest, state government, Fair Trading, local government, health department, and more. A lot of people are interested in boarding houses, the Property Owners Association. A lot of people are interested in boarding houses, but nobody’s got authority over them so they operate in a void. Inner West Council has the highest concentration of boarding houses in this state. Over 730 [are] on the register right now. That is a big market. ... There is a big population as well. Four to five thousand people live in them in this area. Those people are some of the poorest people in the community. The living environment is sometimes good, sometimes bad. The policy environment is a void.”

- Paul Adabie, Boarding House Outreach Service, Newtown Neighbourhood Centre

While council does have some monitoring responsibilities, it severely lacks resources and policy to adequately do so. This is apparent with “new generation” boarding houses providing options to rent rooms by the night, as opposed to tenancy periods in line with the minimum 3-month tenancy agreement.

RULES NOT TOUGH ENOUGH

When reviewing short-term rental housing regulation, please also consider the SEPP AHR and the Boarding Houses Act.

A holistic review needs to ensure the planning laws are actually delivering affordable housing not a licence for developers to print money. Until then, developers will continue to milk the cash cow. Until then, the court will permit the horrendous argument (as per a recent case) that NOT setting rents in line with the definition of affordable housing will help to attract higher quality tenants.

"What we are seeing is developers taking advantage of generous incentives to get bigger developments built in residential areas under the guise of helping the community, yet they are charging market rates which are way out of reach of those most in need."

- Randwick Mayor Noel D'Souza (2017)

"Is this the path we want to take — where a single room in a boarding house has a surface area of 12 square metres and a double room has a surface area of 16 square metres? The maximum room size is 25 square metres. ... Boarding houses are not affordable housing when they charge \$300 to \$350 for a room. Multiply that by the number of rooms — in my area some have 20 to 30 rooms — and this becomes a lucrative exercise."

- Mr John Sidoti, Member for Drummoyne (2017)



Owner occupier
Unit block on Chandos St
Ashfield NSW 2131

Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

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Kind regards,
Owner occupier

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Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Balgowlah 2093

Submission
Dear NSW Government

Thank you for taking the time to read my submission and why I believe home sharing is an important part of our everyday Australian life.

Home Sharing and or Short Term Holiday Accommodation is good for NSW, it is good for the City of Sydney it is good for our local community and it is good for me – it is my livelihood.

I started hosting in The Rangers Cottage seven years ago.

I am a mother with young children and a husband who works long hours. I needed a part time job that I could fit in around our family. We took the opportunity to refurbish a small secondary dwelling at the rear of our property - a one-hundred-year-old cottage - and run it as short stay accommodation, so that I could contribute an income while caring for our family and participating in our community.

Home Sharing is important to me for a number of reasons.

This is my job. It is my livelihood. It allows me to be here for my family and to help out other working parents with their children. Hosting is meaningful and interesting work that is always changing.

Hosting gives me time and flexibility to volunteer in my community including at our childrens' school.

I am also more involved in my local community and have had time to develop relationships with some of our elderly neighbours, who might otherwise lack company.

If I was in a traditional job it would be much harder to juggle these roles.

Hosting guests is a great experience: it brings so much to our family and to the community around us.

By hosting international guests, we can share in their travel stories and hear more about the world they live in. My children play with other children from all over the world and learn firsthand about other cultures and their differences. Be it teaching a Chinese boy about recycling or a German girl how to look for lizards in the garden. Our children now have some great modern pen pal relationships.

We invite our guests to local events in the community so they can experience first-hand what it's like to live in Sydney. We're finding more of our guests are looking for experiences beyond the regular tourist trail. They want to live like a local and experience what Sydney life is really like. They want to know where the best fish and chips are and where they can buy the best sausages to barbecue at the quiet locals' beach.

Being able to offer the cottage for short term accommodation also helps our many immigrant neighbours. I

often have parents at school ask me if visiting grandparents or friends can come and stay as they simply do not have space to accommodate them in their homes. If their guests were not staying with us they might have to stay further away and thus miss out on valuable family experiences.

We encourage our guests to shop locally and benefit nearby retailers rather than multinational chains.

Individuals host for a variety of reasons. For some, like myself it is a very important job for their family. For others hosting guests can bring interesting people into their lives.

I have also met a number of retirees and widowers who may otherwise be living on their own. By hosting they feel useful and enriched by meeting interesting people from around the world, and often end up becoming more involved in their local community. They also make incredible hosts and have an amazing wealth of knowledge that they are only too happy to share with others.

Home Sharing as a Guest is important

On the flip side, as a guest of home sharing or holiday accommodation there are many benefits. Our family prefers to stay in a home environment rather than a hotel because of the benefits it gives us. We find accommodation that represents better value for money, can prepare meals if we wish to, do a load of washing, and have more to spend on sight-seeing and activities. We also find that we get the locals' scoop on where to shop, what to do and where to go for the best local experiences, and often end up meeting some interesting people along the way.

I have been keeping an eye on what has been happening with new rules that are being introduced for Home Sharing and Holiday Accommodation both in Australia and internationally. I agree there needs to be some regulation put in place, but I worry that new rules will limit my ability to continue hosting. If I am restricted with the number of nights I can host and or if there are costly registrations I will simply have to close and find a job. My volunteering in the community will be much more limited. What will happen to my older host friends when they are back on their own?

As you know there are various websites that make home sharing or holiday accommodation possible. Some are very proactive in keeping the bad eggs of our community out of the world of home sharing and holiday accommodation, other sites take a more blasé look at the big picture. I believe if Short Term Holiday Accommodation is managed well there are very few issues and mostly positive experiences for all involved.

I have read through the NSW Government Short Term Rental Accommodation – A new regulatory framework Discussion paper August 2019. To reply to your call for feedback I submit the following.

1 The recommendation for no more than two persons per bedroom I do not agree with. There are often cases where a child or baby may need to sleep in the same room as a parent. This needs to be taken into account.

Also in terms of definitions the government needs to recognize there are many different types of properties listed on the platform and that often an entire home may be a secondary dwelling on a private property.

Smoke alarms in bedrooms I do not agree with. I take personal safety seriously and want to ensure all my guests are safe. I also know that having smoke alarms in bedrooms is not in the best interests of any one's health. I think ensuring there are smoke alarms outside bedrooms and in living areas is enough protection for guests.

Installation of a lighting system connected to a smoke alarm system is complete overkill and is excessive for a short-term holiday rental property.

I do also think it should be mandatory for all dwellings to have fire extinguishers and fire blankets easily available to guests. I also feel it is very important for every type of dwelling to have an evacuation plan on

display for guests to use.

7 Before Complaints are dealt with there needs to be through investigation done to ensure that the parties who complain are genuine and are not making false accusations so that they can stand to profit from someone else's demise. Special care needs to be taken when handling complaints to ensure a disgruntled neighbour is not making false accusations because they hold a grudge to the owner of the STHR.

8 I do not think it is fair to impost the strict strikes so easily. I think the matter should require further investigation to ensure any issue is fully looked into. Hosts I know act with not only their best intentions but also hold dear to them their neighbours welfare as well. Often hosts have done all they can to control situations but find they are dealing with genuinely bad eggs who in any situation would cause trouble.

9 Exclusion to being able to host a STHR is easy to enforce on a host but how can you be sure that you can enforce similar repercussions for the culprit. How to do you ensure that the bad guests can never make a booking again on another platform. Guests can change email addresses and even move homes. How do you plan to enforce the strike situation on such guests? This seems like a very harsh punishment for a owner but a slap on the hand for the guest who will probably go on to make more trouble in other listings. Also how does this apply to hosts who are renting properties specifically to rent out as STHR. It sounds as if the Property will be struck out, however that host can then go on to rent more properties and then sublet them out on platforms with no serious ramifications?

12 Clause 22B1 in the cases of STHR participants I believe that you have not fully outlined all the types of people who run STHR properties. I know of many individuals who run STHR properties some run up to 100 properties where they rent a property from an agent and then sub let it out on platforms such as AIRBNB and Booking.com. They are legitimately taking regular long term rental properties off the long term rental market and running these as mini hotels. They do not live in them or often near them. To me this is what is wrong with the system. How can you police this type of person and ensure that they not getting away with the 180 day cap for Sydney? These people are not only renting the properties from real estate agents they then go on to run these as STHR in both handling the bookings, creating the listings, vetting guests and checking guests in. To get on top of the problems I believe the government needs to work out a way to identify those who rent properties and then go on to sublet these – This I believe is where the majority of the problems arise for STHR and this is where the government needs to do further work to understand this area of the market. They may make up 1% of the actual operators on platforms but they will make up a significant proportion of the market.

17 In regard to the cost of implementing the enforcing the code I believe it is the responsibility of the websites to work with the Commissioner of Fair Trading. Can it not be paid as a proportion of the nights booked on that website? If websites do not want to cooperate perhaps they need to be not allowed to offer accommodation bookings for NSW.

20 In regards to how best to organize and manage the registration system I think the owner of the property needs to be made aware the properties are being run as STHR and need to give permission and then the manager of the property needs to have a cap placed on them as to the number of properties they can manage.

21 The cost to register a property should be minimal and a one-off cost until properties change hands or managers change hands.

23 the government should be aware of the number of properties that are owned and run as STHR and also those that are rented through real estate agents and then sub rented out as STHR.

24 To verify properties I believe the owner of any property listed for STHR needs to be made aware that the property is being sublet as STHR

28 I believe any platform offering STHR bookings should have to play a part in the registration process.

30 I believe any information collected on the register should be private and confidential it does not need to be made public.

31 I believe the information collected should be submitted once a year similar to a tax return. All that is needed is the number of nights booked for a property.

32 No information on the register should be made public. We do not know how many nights the Hotels are booked – Does the government know this information?

33 I believe the industry would need six months minimum to develop and establish the STRA property register. Many hosts who do this are not great on computers and will struggle to get their heads around this and they will need time to make these adjustments. It may take time to contact all owners as some may be away and or living overseas.

34 The framework should start a minimum of six months or 12 months after it has been finalized to ensure that owners have time to make any necessary adjustments to their property and have the time to pay for it.

35 I support that there needs to be review into the STHR industry. I do not think it needs to be quite so heavy handed. The majority of operators doing this are families and individuals who take great pride and ownership and do the right thing for the community. There are operators who have taken advantage of the industry and the loop holes in the laws around it.

36 I believe the government should look further into the ownership of properties that are offered for STHR and understand how many properties are owned and run by the same people and how many STHR properties are rented and then sublet on platforms as STHR. I think this would give the government some interesting statistics to consider.

Thank you for your time.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 7:18 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Balmain /Sydney/2041

Submission

I FEEL VERY CONCERNED BY THIS CHANGE TO PLANNING LAWS BUT I DO NOT APPROVE MY SURNAME AND EMAIL ADDRESS PUT ON THE WEBSITE

I firstly think more time should be give for others to consider this dramatic change in Planning Laws People might not be aware of this or maybe they are away on leave etc

I am a retired owner occupier in an apartment block.I am opposed to STRA [AIRBnb etc] in m block as I bought it 20 years ago As a home {zoned residential]not to have it turned into a" Quasi hotel'We live in a lovely community of 29 units.All but a couple are long term tenants or owner occupiers. The ages range from infants to retired elderly persons in their late 70s.Some who have lived here over 45 years.

Many are professional people who pay a premium to live here to be close to their work and rely on public transport to do so.I have also been advised by all of the elderly persons as well that they do not feel comfortable having strangers not neighbours coming and going at all hours.In my time there has been several incidents where some elderly resident/owners have required serious medical interventions resolved.These likely may not had the same positive outcome by not knowing them and if there was mostly strangers not neighbours living here.I am alarmed at the thought of having strangers coming and going not knowing them.Most of whom I and others know quite well.This is what a community is made up of.Particularly for older persons who you get to know and establish relationships with.THIS IS CRITICAL TO OUR SOCIAL FABRIC.The potential loss of community .This would be very sad for so many people not just here in ,but other areas.We have had the lived experience of unhosted Airbnb in our complex {without approval]Despite being contrary to Inner west planning regulations.Which was and is not enforced by IWC . We have had many issues with the visitors to our complex damage UNPAID, noise and waste issues etc There certainly is significant impact on our amenities

There have been so many reports of the devastating impact from international cities and even Hobart that have been penetrated by STRA .

I am also concerned re the financial and social impact on our locals not being able to afford to live near our city.

If sadly the STRA planning laws are changed it must not start without a Register.Which must be run by the Govt or alt a neutral platform,not operated by or controlled by the short term letting industry. There also needs to be enforceable 'Host'obligation to register their premises before it is listed and used for STRA purposes.International experience shows without such an obligation the platforms continue to list thousands of illegal apartments .there must also be an obligation to share their data with the local and State govts.There must also be a day cap.Also Compliance with local Govt

There are so many concerns re this change in Planning Laws if implemented This is just a few Thanking you for your time

Regards

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 19 August 2019 7:28 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Bankstown

Submission

The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building, "Strata Title Short-term Holiday Rental Units" (or similar). These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. They should not be located in the midst of residential areas. Purchasers of these Units would be primarily investors. However Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by thousands of holiday-makers leasing other Units in the building. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the good faith belief that they would remain zoned residential. Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights and life style of other owners and long-term tenants by leasing their Units to complete strangers who just want to create havoc whilst on holiday. If not all Units in a building are rented short-term then other owners who reside in their Units are disadvantaged financially and life-style wise. This is because additional and accelerated wear and tear and damage to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in a building means that many financial institutions will not lend on any Unit in that building at all. The reason is that they are much too risky to lend on as financial institutions cannot be guaranteed to recoup the amount of their loan if the mortgagor defaults. If one Unit sells at a bad price there is a roll-on effect to other Units in that building. So developers cannot sell these Units in the first place. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally already located within or beside commercial centres which is another factor that favours this type of re-zoning.

I agree to the above statement

Yes

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.
Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [REDACTED]
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because I enjoy hosting and it is an opportunity to subsidise my income.

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania,

there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

Thank you for reading my submission.

From: [REDACTED]
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
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From: [REDACTED]
Sent: Wednesday, 11 September 2019 2:19 PM
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From: [REDACTED]
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Thank you for reading my submission.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 29 August 2019 2:04 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
BELLAWONGARAH NSW

Submission

Why are we getting another tier of Government Intervention in the Lives of normal Australians just trying to get ahead ?

This legislation in regards to Fire issues, is totally unnecessary and without consideration that people in Australia can't think for themselves, more cost, more red tape and more administration all at the behest of some bureaucrat to keep themselves employed !

Our property already has all designated Fire facilities but NSW Government wants more...Why?

Another cost, another imposition for NO Good cause - a Nanny State involvement ...for what ?

This does not save lives, it just makes lives much more complicated and difficult and raises stress levels

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 5:09 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Berry 2535

Submission

As a rental property owner, I am not opposed in principal to greater fire safety standards and compliance.

However, there is a very concerning proposal here regarding occupancy limits of 2 guests per bedroom up to a maximum of 12 per dwelling. This blanket restriction ignores the fact that dwellings are not all standard configurations, that larger properties can accommodate more than 12 guests, and in certain configurations, more than 2 people per bedroom. This is particularly the case when considering bunk beds.

I look after properties that have oversized bedrooms with a bunk and single or bunk + queen, including one 7 bedroom, 4.5 bathroom semi-rural property that has served as an escape for large or multi-family gatherings for a decade. Imposing such a guest limit would severely restrict the existing capabilities of these properties, and thus negatively effect their return as STRA.

I would suggest, if this guest limit proposal is due to concerns about overcrowding properties & fire evacuation safety, that you seriously explore alternative options that would include more sensible and flexible guidelines such as:

- the bedroom size, for example: needs to be "greater than x m2" to accommodate more than 2 guests
- the number of exit points per bedroom/guest, including the availability/suitability of windows as emergency exit points.
- consideration of the dwelling size and location, as well as the external grounds of the property.
- the incorporation of proposed other safety guidelines/procedures as well as any supplemental fire prevention or suppressant system.

I would also suggest that you set up further processes that owners & SRTA agencies can submit to for exemptions, if current use does not immediately qualify.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 9:40 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Berry

Submission

Whilst I agree with the need to 'professionalise' the industry somewhat I also have a number of questions and concerns that have not been answered and remain very real issues:

Register

I do not believe that a register will achieve any change in the industry. Those who are willing to participate in a register are not the issue.

The tiny number of issues generated by the industry are typically generated by those who are not properly engaged in the industry and who are unlikely to participate in a register.

The measures recommended will penalise and add cost and unnecessary administration to a whole industry arbitrarily – with no plausible benefit.

I do not support this.

If it is to go ahead, regardless, I have specific questions and concerns that need to be properly considered and addressed.

- Who will pay for the development, construction, administration and ongoing management of the register to ensure it remains a relevant and accurate source of information?
- Who will pay for the training and engagement of participants to know how and when to use the register? (Advertising/marketing/development/training costs state wide ongoing?)
- On what basis will these fees be made? Will it be based on the number of properties? Number of guests? Number of bookings? Income? Number of nights?
- Who will be analysing this data and for what purposes?
- Have privacy concerns really been addressed and considered in full?

It has been mentioned that fees and cost recovery will be from industry participants. All this will achieve is an increase the cost base across the industry for guests and hosts alike with little/no benefit for either of them.

It significantly runs the risk of reducing the size of the industry – particularly for those who may use it to top up their income as opposed to those who do it on a more professional basis. Surely this defeats the purpose and reason for the industry in the first place.

If it is launched and the 'industry' becomes unhappy with the way that the proposed register is being managed – given that they have paid for it – what recourse to change the way that the register is managed will they have?

- If you are unhappy with a service provided that you have paid for (under consumer law) you are entitled to redress. Surely the same would apply here?!?

Who decides 'who' will run and administer the register?

- On what basis would an organisation be deemed to be capable of managing the register?
- Who appoints this organisation and on what basis?
- Who will performance manage them so that the industry knows they are getting value for money and outstanding service?

- What happens if they are later proven to be inept/expensive/have been hacked?
- Who will police the policers?

How and when and under what circumstances would the register be reviewed / abolished?

- What happens if there is no change to the industry through the implementation of a register?
- A register is meant (if I am not mistaken) to reduce the number of complaints about the industry. Given that the number of complaints is already very small, if this number does not drop with the implementation of the register – will it be scrapped and the cost to all participants eliminated / reimbursed?
- A secondary benefit – that appears to be being used as an excuse to introduce the register – is the ability to use data on the register to ‘track’ the industry.
 - o What will this information be used for and by whom?
 - o If I do not want my personal information to be used by a 3rd party what options do I have?
 - o Given it is my data I do not want my data to be used against me. This is a very real concern for many – you only have to look at the number of people who opted out of My Health Record.

Code of Conduct

Although I agree that a Code of Conduct or Reasonable Behaviour is universally appealing – both for guests to have an understanding of what is reasonable behaviour and what they can expect, and for hosts to know that everyone is performing to the same level - however, again, I do not think that this will change the behaviour of a very few who bring the industry into occasional disrepute.

It obligates the many, when the issue is the very few. This does not strike me as appropriate or proportional.

My specific concerns - should a Code of Conduct be introduced are:

- Who will shape this Code of Conduct?
- Who sets the standards for a very diverse industry – fairly and appropriately?
- Who will ratify it? (There has already been insufficient involvement from real life participants in the industry, instead engaging with big organisations who ultimately will not have to comply with the Code of Conduct themselves and have little ‘skin in the game’ – i.e. Air B&B and Homeaway who have a disproportionate involvement with this proposal).
- How will it be ‘policed’?
- Who will pay for the ‘policing’?
- How will ‘fairness’ be ensured – particularly if Commissioners’ establish and set the standard’. This will leave it open to interpretation and variability - which is surely not the purpose.
- What will happen in the instance of unsubstantiated complaints or malicious/vexatious complaints?

2 Strikes Policy

- What constitutes a ‘strike’?
- Is one incident a ‘strike’ or can an incident constitute multiple ‘strikes’?
- Who decides this?
- How will it be policed?
- When will a ‘strike’ be deemed to have lapsed?
- How do you ensure that constantly reoffending persons/entities do not game the system?
- Will the property associated with the ‘issue’ be the ‘subject’ or will it be the owner / manager / agent / guest? Depending on the incident.....
 - o Who decides this?
 - If a host has done all they can within their power to ensure a property complies with all requirements and to all intents and purposes has been a ‘model host’ - what happens then? You can not penalise someone for ‘crimes’ committed by others that are out of their reasonable power/influence. If a host has demonstrated due diligence what happens then?
 - How can hosts ‘guarantee’ that they are not letting to someone who has been placed on the exclusion register?
 - o How can instantaneous checks be made?
 - o Will property owners be required to check the register for every booking?
 - o What impact will this have on bookings?
 - o Will it not make instant bookings impossible?
 - o What about privacy?
 - o How safe will the information on the exclusion register be? How up to date? Does this not have serious

privacy issues?

o Who will support property owners when they refuse a booking to someone listed on the exclusion register? Particularly if that person feels they have been unfairly placed on the exclusion register? If that guest then targets a host with vexatious complaints/reviews etc – damaging the hosts reputation and ability to earn an income – who is indemnifying the host against this risk?

o How would I, as a guest, know that a property was on the exclusion register? How does this work?

o What happens when a guest books under a different name, but they are on the exclusion register?

No more than 12 persons

- Appears to be a very arbitrary rule.

- What about properties that can legitimately host more than 12 persons?

o Are you removing their ability to participate in the industry? Is this legal?

Fire

Whilst I agree that fire safety is of paramount importance, I do not wish to see another Pink Batts debacle.

I would like to see more reasonable measures introduced, as opposed to a ‘one size fits all’.

- Installing interconnected smoke alarms in each bedroom may not be appropriate/possible in all properties (Tents, Bubble tents, caravans, castles, caves, historic buildings)

- The same also goes for lighting systems in hallways triggered when smoke alarms go off.

o What are the acceptable solutions if it is not possible to install these items or it is cost prohibitive?

o How much time will owners/agents/managers have to ensure that this is complied with?

o Who will pay for this? (Guests!)

o As a guest, if I stay at a property that is on the register, but they do not have these items – what recourse do I have?

o Who will check that these items are installed at all properties? Again, additional cost.

It must be recognised that this may force many out of the industry – which may be in the interest of the hotel lobby but not in the interest of the state’s economy.

It has been expressed that this process should be cost neutral to government.

Therefore, how it is proposed that the following things are paid for?

- Development of the code of conduct?

- Communication of the code of conduct?

- Advertising the code of conduct to industry and the general population – at kick off and ongoing to ensure compliance and awareness?

- Administration of the code of conduct?

- Development and maintenance of the exclusion register?

o Integration of this register into existing systems? Or will ALL property owners be ‘required’ to use and pay for a new system?

- Complaint handling and compliance activity?

In my opinion many of these measures translate to a Tax on an industry that is not damaging the environment or behaving badly on any kind of reasonable scale.

The scale of the measures should be proportionate to the issue and targeted to the issue.

You run the risk of crippling an industry that employs millions and adds millions to the economy every single year.

As they stand, I do not support the proposals.

I do, as any reasonable person would, support safety and good behaviour. I do not support the imposition of unwarranted costly bureaucracy to satisfy a few.

In the region where I live and work there are very few issues that are managed by existing legislation and powers by Council.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 4 September 2019 7:56 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Blackheath 2785

Submission
Hi,

There needs to be a clause that states that only a single dwelling on any lot can be used for short term rental. This will help to prevent a lot that has multiple dwellings becoming a venue for parties. Additionally, the limit of 12 people needs to explicitly state a max of 12 people per lot (rather than per dwelling as it currently is).

There needs to be a clause that prevents any noise or other environmental impact over and above that of a normal residential dwelling.

There needs to be a clause that prevents gatherings of more than the number of booked in guests (and a maximum of 12 people regardless) at short term rental accommodation - this will help to prevent residential property from becoming a venue for commercial events - such as wedding receptions.

There needs to be a clause that prevents the use of additional temporary structures (such as marquees) at short term rental accom - this will assist in preventing parties and gatherings, and reduce environmental impact at residential premises.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 10:39 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2785

Submission
Hi,

There needs to be clause that states that only a single dwelling on any lot can be used for short term rental. This will help to prevent a lot that has multiple dwellings becoming a venue for parties. Additionally, the limit of 12 people needs to explicitly state a max of 12 people per *lot* (rather than per dwelling as it currently is).

There needs to be a clause that prevents any noise or other environmental impact over and above that of a normal residential dwelling.

There needs to be a clause that prevents gatherings of more than the number of booked in guests (and a maximum of 12 people regardless) at short term rental accomodation - this will help to prevent residential property from becoming a venue for commercial events - such as wedding receptions, and also for parties.

There needs to be a clause that prevents the use of additional temporary structures (such as marquees) at short term rental accom - this will assist in preventing parties and gatherings, and reduce environmental impact at residential premises.

The threshold for noise must be lower than for a normal residential owner occupied house. The reason for this is that an owner occupied house would be expected to have parties a small number of times annually. Short term letting allows the possibility of 180 nights of parties. This is particularly applicable to

These measures are essential to prevent residential properties from becoming commercial party venues. The imposition of commercial level noise and environmental impact on neighboring residential properties is totally unacceptable.

An example in Blackheath is that a residential zoned property (of 20 acres with 2 dwellings) is being used as a wedding reception venue. The owners claims that it is short term residential accommodation and erects a marquee to host an additional 300 guests and plays amplified music til midnight for many weekends for 9 months of the year. The addition of the above clauses may help to prevent this abuse (loophole) of the Act.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 4:32 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Blackheath

Submission

Blue Mountains is one of the leading tourist destination in NSW it should not be included the Greater Sydney area housing laws for holiday lettings.

The Blue Mountains is also the gateway to regional NSW and tourists bring well needed income to NSW country towns.

The NSW Tourism spend taxpayers dollars to attract holiday makers to NSW, these outer city towns are leading destinations that need to be support and nurtured, not choked off, there is absolutely no need or no sense including World Heritage Blue Mountains in the inner Sydney city housing laws. Blue Mountains, as 70 percent of our booking are from outside of NSW and international travelers.

Blackheath were we live in the Blue Mountains has no seasonal fluctuation regarding tourism, it's constant growing, short term rentals are required to fulfill this growing need. We also have invested well over 700K to work in this growing short term let tourism industry and it's your responsibility to manage this environment, especially when there is a need and no impact on the Sydney housing situation, Let the Blue Mountains and the Greater West region Grow!

I agree to the above statement
Yes

Submission on SHORT-TERM RENTAL ACCOMMODATION – A new regulatory framework

11 September 2019

General comment

I purchased my property as a residence in a building approved only for residential use in a residential zone where tourist and visitor accommodation was prohibited. This is the legal situation as I write. The yet-to-be promulgated legislation, SEPP and associated regulations are effectively retrospective, commonly regarded as a bad and unethical practice. It follows one of the largest (ongoing) civil disobedience campaigns in my lifetime. In Waverley LGA I understand some 6000 premises are/were engaged in STRA/STL. State and local governments actively sat on their hands encouraging this situation to develop. Such is the rule of law in NSW.

Now, after kicking the can down the road past the election, the Government is proposing a regulatory framework described as 'liberal'. This seems to be code for self-regulation and a light hand on compliance, despite the clear evidence (tax evasion, institutions and child sexual abuse, banking, building, construction, water, live animal trade, greyhound breeding/racing, land-clearing, etc) that failure is the norm for this framework.

According to the SMH article (3 September 2019) *Number of Airbnb listings in NSW could be slashed by proposed new fire safety rules, expert warns* "Airbnb said that, before listing on the platform, all hosts are required to certify they comply with local laws and fire and safety regulations, which are published on the company's responsible hosting pages." AirBnB exhibits a studied ignorance as local zoning is easily checked via public LEP plans grounded in legislative instruments.

In the Waverley LGA *residential accommodation* "does not include tourist and visitor accommodation or caravan parks" (*Waverley Local Environmental Plan 2012* – Dictionary). *Tourist and visitor accommodation* is specifically prohibited in the R3 (Medium-density Residential) and R4 (High-density Residential) zones that house the majority of the LGA's population. In 2016 Waverley didn't have a Short-Term Letting policy and did not make a submission by the February deadline to the Legislative Assembly enquiry conducted by the Environment and Planning Committee. This was despite the late 15 April 2016 Council submission noting: "Waverley Council represents the highest concentration of short-term rentals in NSW." (No. 211 at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=1956#tab-submissions>) A November 2018 BnBguard report showed three definite and three possible apartments engaged in Short Term Letting in our 18 unit building. None were owner/occupiers. The owners of the definites, all relying on property managers, claimed to be unaware of the use. .

STRA/STL continues to flourish in Waverley. As I write there is unapproved activity (permanent use not STRA/STL) well-known to Council in premises across the road from my apartment that has been on-going for nearly two years now. Such is the LEP compliance culture in Waverley.

So, the Airbnb claim "that, before listing on the platform, all hosts are required to certify they comply with local laws and fire and safety regulations, which are published on the company's responsible hosting pages." is meaningless in terms of outcomes. Together with Waverley Council's lack of willingness to take action means that any model that doesn't allocate independent realistic responsibilities, powers and resources to compliance is bound to fail. To claim otherwise is a non-sense.

Key take-outs are that the total package:

- Introduces commercial accommodation activity in areas reserved for residential accommodation under minimum three month leases – owners purchased their units for this purpose – in my zone tourist and visitor accommodation is specifically prohibited – the building is approved for only residential use. No compensation is offered for the change in ambience, loss of amenity and high turnover of neighbours.
- Does not allow Owners Corporations (the legal entities for strata buildings) the right to maintain the current zoning prohibitions.
- Shifts much of the burden of compliance enforcement onto individual owners, tenants and Owners Corporations including a framework of having to engage in multiple jurisdictions.
- Doesn't provide a robust independent well-resourced compliance agency or allocate additional resources and mandated responsibilities for local government. A Commissioner with unknown allegiance and unspecified resources is not enough.
- Makes no provision for full cost-recovery on a user pays basis. This is similar to the situation in alcohol licensing where the taxpayer subsidises the administration of the licensing system.
- Does not provide for any additional public revenue measures as found in other jurisdictions
- Appears to not provide for the awarding of costs to Owners Corporations and/or complainants as is currently the practice for strata by-laws breaches.
- Appears to not provide for Owners Corporations to receive the financial penalties when this is now the practice for strata by-law breaches.
- Relies on industry self-regulation where the evidence is that this is not effective and in the case of the current STRA/STL activity known to be a nonsense.
- Provides a cumbersome resource-intensive process of complaint, notice, and multiple strikes before significant action is taken.
- Surprises by a last-minute requirement for commercial level fire compliance that impacts on entire buildings even if only one apartment takes up a STRA/STL option for one night.

It's very clear to me that the industry has completely captured the government on this matter.

Below I unpack the information provided in the Discussion Paper and comment on most of the questions.

Comment on the Discussion Paper

Background:

- The \$31.3 billion claim takes no account of opportunity costs, economic losses by established accommodation businesses, job losses in the established accommodation industry, costs to owners corporations of managing the transition to and ensuing negative aspects of STRA in strata buildings, and loss of amenity to adjoining dwellings including those of neighbouring strata blocks. There is also the impact on property value in strata buildings with anecdotal evidence of significant declines when STRA/STL involves 40% or more of units. Where are the costings of the impact of more visitor and tourism activity: increased congestion, increased water consumption, increased production of waste, increased energy consumption (no price incentive in fees)? Where are the costings of higher rents forcing essential personnel (e.g. nurses, police, fireman, teachers etc) to live far away from work in our much heralded '30 minute' cities? No doubt there are other costs. The economic benefits are grossly overstated.
- The problems of STRA are not confined to communities (e.g. those that gained exemptions/concessions under the legislation) as the discussion paper claims but also to longer term tenants, owner/occupiers, Owners Corporations, and the unpaid committee members and office bearers. The problems are underestimated.

- The list of stakeholders (Appendix 2 of the Discussion Paper) shows that only the Owners Corporation Network and the Tenants Union represented only owners and or tenants. Industry and other service providers have captured the consultation process.
- The fact that only 26% of votes in a strata block can allow absentee landlords e.g. corporations to engage in STRA/STL activity in a building shows the clear bias against traditional residents and owner/occupiers. As I understand it, even if all owners are opposed tenants are free to engage in STRA/STL according to the framework which even the Government acknowledges as 'liberal' and critics say is one of the weakest in the world. (BnBGuard presentation to OCN).
- The Government's approach is so 'liberal' that, unlike in many other jurisdictions, no tax or charges are levied. It's like the alcohol industry where the cost of licences doesn't even cover the cost of administration let alone compliance. Rather any costs are borne by the Owners Corporation.

An integrated policy framework:

- The list of negatives is far greater than "anti-social behaviour such as increased noise for neighbours." Perhaps the policy makers and bureaucrats haven't been paying attention to the submissions of the Owners Corporation Network or reading the forums on FlatChat (<https://www.flat-chat.com.au/>) and other strata websites.
- The ambitions for the STRA property register are extremely modest to say the least. This tends to confirm my view that it is designed to be ineffective.
- The reliance on Councils to take compliance action is grossly misplaced. I provide evidence below.

Discussion paper questions

Planning instruments

1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?

- As above I regard this as retrospective legislation and regulation – my building, the buildings around me, and the entire residential area I live in is being re-zoned for commercial accommodation activity. I place a strong value on the residential ambience and knowing my neighbours. As above I describe an existing situation of widespread civil disobedience, condoned by governments. The patterns of recent behaviour by industry participants and my local government provide absolutely zero confidence that this most 'liberal' form and provisions are designed for the benefits of the relative few. It's as if there have been significant political donations to the main parties, not unknown in NSW. Have there been donations? Certainly the consultations have overwhelmingly favoured the industry players, many of whom have done this dance in multiple jurisdictions around the world.
- As I read the discussion paper it seems that not only do Owners Corporations not have the right to prevent STRA/STL in their building but individual absentee owners do not have the right to stop tenants from participating. Is this correct? If so there are two aspects:
 - First - As a past committee member I have been appalled at the lack of oversight by property managers of units they manage and the lack of interest by many owners in the governance and administration of strata buildings. From my perspective this is a recipe for mayhem.
 - Second – I have also known owners who provide mildly favourable rents for good long-term tenants. This was my practice for an investment property in another jurisdiction. In my view owners should have the right to prohibit STRA/STL in any residential lease. And Owners Corporations should have the right to continue existing prohibitions on STRA/STL.

- The last-minute proposed Fire Standard is a model of inequity and shallow thought. There is barely any discussion. It seems to me that for Strata buildings all costs for common property compliance will be shared amongst all owners regardless of participation. What is the case if one tenant as 'host' in a large building enters into STRA/STL for one night? Who pays? Who manages all the work? Can an Owner or Owners Corporation prevent STRA/STL activity where the 'host' claims to be in compliance when that is not the case? Current behaviour suggests this subterfuge by hosts is endemic. This last minute addition seems like a nice little earner for the fire protection industry.

2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?

- In general this is one for the lawyers, who if strata law is a guide will be rubbing their hands in glee at all the extra work and income from clarifying interpretations, ambiguities and gaming by the various players. If the performance of Fair Trading is a guide then there will be many frustrating inconsistencies. My guess is that the non-participating residents and volunteer Owners Corporation committee members will lose out. Bigtime.
- Information on cost recovery for administration and compliance appears to be missing from the regulation. All I see is that there is a power to levy costs and charges.
 - Will the general taxpayer be subsidising the administration and compliance as Justice Callinan revealed is the case with the alcohol industry in NSW?
 - Will compliance resources be limited by Governments and/or bureaucrats as we have seen with water compliance and building certification?

3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?

- Days – I'm opposed to this retrospective legislation and regulation so it goes without saying that I'm a zero day advocate.
- Flood control lots – no comment other than to say that global warming will trigger storm events and rising seas that will flood a lot of low lying coastal land.
- Bushfire prone land – no comment other than to say that global warming will trigger more extreme weather, drought and higher temperatures that will increase the risk of bushfires (as we see now in early Spring in many parts of the country).

Code: Industry participants' obligations

4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?

The general obligations for industry participants are grossly inadequate. I'm reminded of the FARE study on the alcohol industry in NSW which found that the overwhelming majority of 'restrictions' on the industry where ones that experts considered to be relatively ineffective. Restrictions considered to be effective simply weren't implemented, even if the Government implied they would. I sense that is happening here. Like the building industry issues there are multiple participants – the 'host', the owner, the booking platform operator, the council, the NSW State Government, the industry bodies. The terrain is messy with responsibility diffuse eg the 'host' states everything is legal and compliant but it may not be true or accurate. Who has the obligation to sort these situations out? The way I read it the confusion is a deliberate design feature.

- Is there an obligation to publish (as part of the advertisement) the exact full address of any premises advertised on STRA/STL sites? I don't see one. Industry participants have shown a studied reluctance to do this so far, which augurs poorly for future behaviour.
- How will the NSW Government enforce obligations on STRA/STL industry participants who operate outside its jurisdiction?

- How will the NSW Government enforce obligations on STRA/STL industry participants who are small and operate outside industry norms? This seems ripe for gaming in my view e.g. tax-haven jurisdictions, bitcoin payments etc etc.
- By definition the overwhelming majority of guests will be transient in nature – the lags in enforcement and transaction costs make any compliance highly unlikely except in the most serious cases. Running away is clearly an option. The cumulative impact of a number of offences can quickly grow to be significant. The host and industry participants need to have responsibilities and obligations here. And be subject to meaningful sanction if there are breaches. What's the point of pursuing someone on a plane out of the country next week?
- Is there any proposed agreement with other states and territories to participate in compliance/enforcement action with offending guests/industry participants?

5. What types of STRA information will be useful for the Secretary to collect to inform the further improvement of the Code and the STRA regulatory framework? Why?

- The Secretary should seek information from individual Owners Corporations, the Owners Corporation Network as the sole organisation not conflicted by other interests, and from local government.
- The Secretary should be obliged to seek meaningful compliance data from council including level of allocated compliance resources, communication activity (with STRA/STL participants and non-participants, number and type of complaints, and resolution. Council data should be occasionally audited to keep them honest.

6. Are the specific obligations on booking platforms, letting agents, hosts, guests and facilitators in the Code adequate? If not, what other obligations should be considered for each of these industry participants? Why?

As suggested above there should be far greater clarity on who is responsible for what. My reading is that the current structure is so porous that it will be a nightmare to pursue a complaint. It's hard enough to gather evidence for a strata complaint for residential lease tenants. Strata committees, strata managers, and property managers have to be all on the same page and that is a big ask. Now we have a more complicated arrangement. There should be transparency and audit. Even the small matter of publishing the address of the property on the booking platform would be a great leap forward.

Code: Complaints

7. Is the complaints process detailed in part 6 of the Code sufficient? If not, what other matters should be considered or set out in the process? Why?

How can one tell? A lot will depend on who is Commissioner, the culture of the organisation and the resources allocated. My experience of local and state government, even when confronted with robust evidence, is that the bureaucrats resort to denial supported by assertion not logic or evidence. Just like their political masters.

I also see that strata by-law breaches that trigger a complaint will require the complainant to engage with two organisations/processes. Industry capture anyone?

Did I miss the awarding of costs plus damages for any complainant? The Commissioner is not liable (6.1.6).

Code: Compliance and Enforcement

8. Are the grounds for recording a strike fair and reasonable? What other matters (if any) should the Commissioner consider when deciding whether to record a strike? Why?

This is a particularly weak area. It again reminds me of the alcohol industry. How long do hotels get to stay on the most-violent list? We have multiple jurisdictions, warnings, and strikes. Where's the stick? From the 'host' and industry perspective it's all carrot.

9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?

In return for the right to participate in this activity participants should forgo the right to full privacy on any exclusion register. For organisations all details should be public. For individuals, verified name and full address minimum please. Especially when in breach. Facilitating industry and related service providers should also be described for each breach.

10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?

At what point does an individual or a small strata block take on a large multi-national corporation with significant legal resources and expertise developed over many years in many jurisdictions? There clearly needs to be a legal assistance program to support this framework.

Code: Penalty notice offences and civil penalties

11. Are the proposed penalty notice offence and civil penalty provisions appropriate? What provisions should or should not be identified as penalty notice offence and/or civil penalty provisions? Why?

On my reading the Code contains very few penalty notice offences that relate directly to the Code. As I suggest above the multiple jurisdictions for breaches related to STRA/STL is part of the design. Does "Exclusion" have two meanings? Is the "Exclusion Register" simply a refuge from meaningful penalty? Perhaps the author meant "Amendment Regulation" not "Code" for this question heading.

Amendment Regulation: Prescribed classes of STRA industry participant

12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?

Same jurisdictional issues as mentioned above. Only 'check-in' services require a physical presence.

13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?

What is the situation regarding owners? The word "Owner" is not mentioned in the draft Code regulation and appears to receive only a single mention as an owner/occupier (host) in the draft *State Environmental Planning Policy (Short-term Rental Accommodation) 2019*.

- Consider an owner who places multiple 'hosts' in a number of apartments and/or houses under a private arrangement. According to the discussion paper as long as the host is present it's 365 day a year STRA/STL. This owner should be classed as an industry participant and classed similar to a company. How will this gaming be prevented?
- Consider an owner who has a tenant who engages in STRA/STL. I understand that in Strata Law an absentee owner has certain obligations to the Owners Corporation for compliance with by-laws by their tenants. Why not a similar situation here? The tenant might abscond. Why should the Owners Corporation have to clean up an Owner's mess? Why shouldn't an owner profiting from leasing their property be responsible for the actions of their tenant in these matters?

This seems such an obvious oversight I suspect I might have missed something. Have I?

Amendment Regulation: STRA industry participants excluded from Code of Conduct

14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?

No comment.

15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?

The code and framework is weak enough – exclusion of more operators would be pythonesque.

Amendment Regulation: Appeals against listing on exclusion register

16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?

I'm sure the legal departments of the multi-national players will make lengthy considered arguments here. I'm not about to take them on. There should be a zero/minimal cost pathway for Owners Corporations and individual complainants to seek a review. I appealed a liquor licensing decision once and had to pay a \$250 fee. Despite success, there was no refund. My view was the process was designed to discourage the individual complainant.

Amendment Regulation: Fees and cost recovery

17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?

The Discussion Paper states the Government is committed to "least cost" "appropriate" administration and enforcement. Surprise, surprise. The Legislation and Regulations should mandate audited effectiveness and full cost recovery. This cost recovery should include resources for allocation to local government for mandatory audited compliance programs. Resources should also be allocated for Owners Corporations to develop and implement appropriate processes to engage with the activity, to develop resources for complaints, and to collect and provide data on the reality of STRA/STL in strata.

18. How should costs be apportioned across different STRA industry participants? Why?

The Government has made a considered decision not to impose a tax on this activity. Why not? Taxes are imposed in other jurisdictions around the world. Platform operators, corporations, owners and hosts should share the costs under a regime of full cost recovery as described in Q17 above.

Amendment Regulation: Penalties

19. Is the proposed penalty notice offence amount appropriate? Why or why not?

I see that "penalty units" haven't increased in value since 1997. Is this correct? Given this static situation the real value of penalties declines over time with inflation. Although low at the moment the compound nature of growth over time should be considered with timely reviews.

I'm not a lawyer but Regulation 22F (3) seems to set a very low maximum for corporations incurring Local Court penalties. More industry capture?

Proposed industry-led property register

20. How can industry be organised to develop and manage the registration system?

Industry should not develop and manage the registration system. It's a conflict of interest. It will encourage cartel behaviour. The system should be governed and managed independently with full cost recovery.

21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?

A question that excludes non-industry persons? I wonder how well and promptly industry would organise, establish and maintain the register given the government's commitment to "least cost" "appropriate" administration and enforcement. I also note AirBnb's current reliance on claims of hosts as to legal compliance quoted above. This suggests auditing and responsibility wouldn't be a priority

22. What role should the Government play in developing or overseeing the register, if any?

There should be independent governance and management of the register. There should be regular audits. There should be regular review of the register against the outcomes it is supposed to provide.

23. Are there other outcomes a register should deliver?

The register should provide easy public search by corporation, owner, locality and/or address. For several years the more you knew about a liquor licence the less chance you had of a successful search. Go figure. Details of those registered should be accessible by the ATO.

24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?

This is a complex difficult question. Not only can advertising exist outside of Australian jurisdiction but the nature of the internet makes it difficult to track down owners and operators of websites. Current practice with known platform operators (e.g. Airbnb) appears to be not to disclose the address. Based on looking at the entries of apartments involved in STRA/STL (illegally) some go to significant lengths to frame photographs to obscure property identification. Surnames of contacts are not mentioned. Even the first names may not be accurate. Mobile numbers and email contacts are not evidence of principal place of residence. Combine this with a conflict of interest based governance and management registration system and there is a significant problem. This proposed framework is a recipe for gaming.

25. What audit and verification processes would be needed to ensure accuracy of data?

Lots of different processes. This is a dynamic expanding global industry. How many platforms are there? Advertising might be found on many platforms not dedicated to STRA/STL e.g. reddit, Facebook, Google groups, etc plus the dark web. The more I unpack the proposed arrangements with its “least cost” “appropriate” administration and enforcement culture the more I see industry capture, the potential for abuse and design for failure.

There are multiple other problems. How will ‘day’ thresholds be managed for premises advertised across multiple platforms? Will the ATO be involved for ‘principal place of residence’ verification? The ATO also has an interest in taxation – both income and CGT.

26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?

Of course there should be separate penalties for failure to register. And these should be significant enough to be a deterrent. The current industry players engage in subterfuge and so provide the example to individual participants. The clear evidence from enquiries into tax evasion, institutions and child sexual abuse, banking, building, construction, water, live animal trade, greyhound breeding/racing, and land-clearing show that where there is conflict of interest then failure is the norm.

27. What information should the register collect? Why?

Sufficient to provide for:

- unambiguous identification of individuals and/or corporations/companies, verifiable contact information, and accurate full description of address
- identification of breaches such as breach of bylaw prohibiting use where not principal place of residence, exceeding thresholds, bylaws etc
- successful prosecution of any complaint across the range of jurisdictions where action related to STRA/STL might be achieve.

The ATO should be asked for input on this question given the 'principal place of residence' and taxation requirements. They might request a TFN along with appropriate privacy measures.

This question might have been better placed before the audit and verification question.

28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?

Booking platforms should ensure properties are clearly identified in their advertising. They should seek robust verification of claims of Owners Corporation approval where required, compliance with the fire safety standard and any other requirements. There should be regular independent audit of these processes to ensure currency.

29. What role should Government play in the registration process or providing information for the register?

The Audit Office of NSW should oversee on-going independent robust monitoring of registration, analysis and use of the register. The ATO might also have an interest here, including in estimating the income of multi-national booking platforms and major industry players.

30. Should any information on the register be made publicly available? If so, what information could be made available and why?

As above, the register should make sufficient information available to enable complaints by members of the public:

- unambiguous identification of individuals and/or corporations/companies, verifiable contact information, and accurate full description of address
- Identification of breaches such as breach of bylaw prohibiting use where not principal place of residence, exceeding day thresholds, and successful prosecution of any complaint across the range of jurisdictions where action related to STRA/STL might be achieved.

The right to undertake STRA/STL should be accompanied by the public's right to know the where, when, what and who of the activity.

31. Should industry be required to report registration information, including number of stays (days), to Government and/or local councils? If so, how frequently? Why?

Assuming the proven failed conflict-of-interest-infested self-regulation framework is mandated ... If the information is available, in the public domain and updated weekly then this is a trivial ask. Only where there is a bone fide requirement for privacy e.g. Tax File Number should information not be placed in the public domain. Due to the demonstrated recalcitrance of some councils the regulation should specify the frequency for formal weekly reports so that there is some pressure on council to take whatever compliance responsibilities they end up with.

32. Should any information on the register be made publicly available? Why?

This is a duplicate of the first component of Q.30. Even those responsible for this paper have lost interest by now. Under the GIPA Act the onus is for disclosure. Yet those constructing the questions don't seem to favour transparency as the default.

Commencement of regulatory framework

33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.

As above, this should not be governed and managed by industry due to the conflict of interest.

34. *When should the STRA regulatory framework start? Please provide reasons.*

Never. This would mean the assented legislative plan would not be proclaimed and so state and local governments could get on with the task of enforcement of the existing widespread breach of zoning laws. See above for reasons.

12-month review of regulatory framework

35. *Do you support the proposed scope of the review? What additional considerations might be necessary?*

Exactly what are the Government's objectives for our society, communities and homes in providing this framework? There needs to be an explicit statement in legislation before any review of the regulatory framework is designed. It's not clear to me where the high level objectives are listed in the legislation and regulation. I see the *Regulation Explanatory note* list of objectives is about process not high level outcomes for our communities and homes.

It's simply not good enough for the objectives to be listed in a background par without references in the second last question of 36 (less duplicates) in a discussion paper after several years of various enquiries and unproclaimed legislation.

The discussion paper states: "It is the NSW Government's intention the review of the policy will commence only after all elements of the policy have been in force for at least 12 months, including the planning framework, Code of Conduct and any registration system." Given the "least cost" "appropriate" administration and enforcement approach and the 'conflict of interest' occasioned by industry governance, management and administration, my guess is that full commencement is years away any review will not start until at least well into the next electoral cycle if not the one after. There is no incentive for industry to act promptly. Meanwhile the wide spread civil disobedience on prohibited use facilitated by governments' sitting on their hands will continue.

A cynic might suggest that the Government is more interested in rewarding its political backers in industry and property rather than providing homes for families and individuals.

36. *What data sources could the NSW Government use to inform the review? How can industry and councils assist with data collection for the review?*

This question implies that the registration framework and the normal operation of the Commissioner would provide insufficient data to enable review, a sorry state of affairs. Above I provide input on the range of data that would be a minimum for a review. Comprehensive declared objectives would enable a fuller listing. Based on my local government experience Council data collection would have to be mandated, specified and audited to enable reliable use.

Thank you for the opportunity to comment.

END

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Saturday, 7 September 2019 12:30 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2335

Submission

Thank you for the opportunity to make a submission. The STRA industry is vital to my family, my local community and our region.

We are a young family of five and we commenced using our family home for STRA early this year, out of financial necessity. We are deeply concerned about these proposed changes to STRA and we hope that there is at least a 12 month transition period to allow us to end renting out our family home on weekends to guests, without having to cancel existing bookings. We have bookings up to 12 months in advance and have not only planned our lives around the security and stability that this second income has now provided our young family, we also host wonderful international families that have planned and booked holidays well in advance to our beautiful region.

Our personal situation - we are a young family of five on a single income and as a result of child care and after hours' school costs, we could no longer have both parents working. It has been a difficult time for us on a single income which is why we move out of our family home to host guest on our rural property when we are not there. This has been a critical source of income for us this year. Without this we fear that with rising costs of living and the inability to have three children in child care, that we will lose our family home.

Our neighbors are supportive of our weekend letting and we have all emergency procedures etc set out for our guests. However, we won't be able to comply with the proposed changes to the SEPP because like most properties on elevated land in rural or coastal areas in NSW, we are mapped as Bushfire Prone Land, and due to the elevation alone (regardless of the absence of connected vegetation) our property meets the technical classification for BAL40. We are devastated with this news and we are very anxious about what the future now holds for us.

When we move out to let the property out on the weekends, we stay in a property that we are renting only 10 mins away in the next suburb, this allows us to be close to our guests if they need help with anything. If the 'exempt' provisions were to extend to Hosts staying within close proximity to the short term rental, we would be able to continue on this wonderfully successful and rewarding journey, and continue to meet many more international families and show them everything our local area has to offer.

These changes are so very restrictive. Please consider an adequate transition period so people can adjust their lives accordingly. We, like many other families in our local community who Host guests, will be significantly and negatively impacted by the implementation of these proposed changes.

Please also consider the elderly residents in our local community (we are aware on many) that Host guests in the way we do or simply rent a room, they will not have the means to comply with the proposed changes or potentially even understand them. For retirees and the elderly in our community, online hosting platforms

have made a positive financial impact.

We understand that regulation is important but so is reasonableness. Please take into consideration the magnitude of the impacts that these proposed regulations will have on peoples' livelihoods and the negative impact these restrictions WILL have on investment in this great State of NSW.

Thank you.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 2:52 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Broken head 2481

Submission

Hello, the provisions do not seem to address the current unscrupulous airbnb practices the in the Byron shire community. In fact I would say there is hardly a community to speak of in Byron bay itself except for a 'tourist community'. Mullumbimby, bangalow etc still seem to have retained some its community ... so far. In Byron it seems like every second house is Airbnb. I am not opposed to homeowners renting a room when they are present or their whole house when they are on holidays (and I believe this was the original intent of Airbnb when it started). The legislation should allow this to be the only type of permissible short term rental situation. At present most Airbnb operators/"landlords" in Byron are actually small business /accommodation operators as they own multiple properties and many don't even live in the area. Is it a wonder Byron has the most expensive real estate in Australia? I was raised here and am one of only a handful of people from my high school year that has been able to live here due to affordability (we got lucky). My cohorts despair that they can't raise their children in their home town. The proposed provisions need to be strengthened to prevent such operators destroying our communities any further...and to be applied retrospectively. Thanks for your consideration.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 19 August 2019 9:18 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Burwood

Submission

The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building, "Strata Title Short-term Holiday Rental Units" (or similar). These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. They should not be located in the midst of residential areas. Purchasers of these Units would be primarily investors. However Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by holiday-makers leasing other Units in the building. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the good faith belief that they would remain residential. Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights and life style of other owners and long-term tenants by leasing their Units to complete strangers who just want to create havoc whilst on holiday. If not all Units in a building are rented short-term then other owners who reside in their Units are disadvantaged financially and life-style wise. This is because additional and accelerated wear and tear and damage to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in a building means that many financial institutions will not lend on any Unit in that building at all. The reason is that they are much too risky to lend on as financial institutions cannot be guaranteed to recoup the amount of their loan if the mortgagor defaults. If one Unit sells at a bad price there is a roll-on effect to other Units in that building. So developers cannot sell these Units in the first place. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally already located within or beside commercial centres which is another factor that favours this type of re-zoning.

I agree to the above statement
Yes

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 1:42 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode

Byron Bay

Submission

The new planning policy will effect the hotel industry in Byron Bay. We are already having lower then usual occupancy and that is due to the number of airbnb's popping up. All of the hotel owners are Byron Bay locals so income made is going back into Byron Bay's economy where as people who host their place on airbnb are using that money else where.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 8:53 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay & Suffolk Park 2481

Submission

Hi

There are always complaints about lack of housing in this town for permanent residents - the town doesn't want a major housing estate (West Byron Development) ruining our town's vibe.

The answer is to limit the number of houses available for AirBnB use. No issues if a host wants to rent one or two rooms out occasionally while they are on-site, to earn some income. But houses or apartments shouldn't be purchased just for AirBnB purposes. Limit sole dwellings being used for AirBnB to school holiday periods only. So Dec 25th to end of Jan. Easter, June & September holidays only.

Thanks

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 23 August 2019 4:41 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay 2481

Submission
Hi

Owners should not be forced to leave houses empty for certain amounts of time due to caps on number of nights per year. Those who fly in/fly out and need to keep their house rented short term while they are away, or people who visit their holiday house for a few weeks 4-5 times a year before finally retiring in them need to be able to keep them occupied. It seems wasteful and not a good use of your investment. Caps should be abandoned.

Thanks

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 4 September 2019 12:56 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Byron Bay

Submission

Short term letting, or "Holiday Letting" is an integral part of Byron Bay's economy and culture. It creates opportunities for visitors, residents and local commerce. It creates a wide variety of accommodation options and price points for all.

The introduction of a cap on the number of days that one can holiday let their properties will only serve to further limit supply and will drive up prices in an already constrained market. Limiting supply will ultimately drive prices to a point where only the wealthy will be able to afford to visit Byron Bay. This will have a profound affect on local businesses and the very culture and soul of Byron.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 5:01 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay 2481

Submission

I am appealing that the Airbnb take-over of our community is stopped, or at least legislated. I am an older single woman who has a party house just over the road, and have many many friends whose lives are also being disrupted by STL tourists. Every week-end, and during holiday season, often all week also, these party houses are full of drunk, noisy and disrespectful tenants, who are rude and sometimes threatening if they are asked to quieten down, irrespective of what early hour of the morning this might be. Many of the younger ones leave litter, park their cars all down the road, and are unconcerned about the disruption to neighbours with loud music and partying. Our little town is being turned into an across town doof, and it makes many long term residents who value their peace and safety, feel there is no longer a community spirit.

There are a million legislative reasons why this should be stopped, but I am just stating the view of a community minded resident who wants our town back.

Please consider our plea.

Yours faithfully,

Sally Warriner.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 7:30 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
2481

Submission

In response to Question 2, there is a lack of clarity in the draft STRA SEPP regarding to the host status/definition for a secondary dwelling ancillary to a primary dwelling. If a host is resident in the primary dwelling on the property will that imply the host resides on the premises in relation to STRA for the secondary dwelling?

And in relation to attached multi-dwelling and residential flat buildings, if the host owns or leases more than one dwelling on the premises and resides on the premises does this imply all dwellings owned or leased could be classified hosted STRA?

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 11:24 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
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Email

[REDACTED]

Suburb/Town & Postcode
Byron Bay 2481

Submission

I am pro holiday letting, property owners should be allowed to do what they wish with their properties, within reason. Perhaps 6 months maximum or at the very least 3 months maximum holiday letting in residential areas.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 5:25 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2481

Submission

Please treat Byron bay air b n b differently to others - we are under extreme pressure from this unregulated industry

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 6 September 2019 12:20 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay 2481

Submission

The proposed framework is a positive step which removes any uncertainty around the ability for home owners to legally utilise their asset for the purpose of providing short term holiday rental accommodation. As evidenced by the growth of the sector in recent years there is a clear demand for this activity and I believe that the proposed approach goes some way to balancing consumer demand with the need to protect amenity of the wider community.

In particular, I support the introduction of initiatives such as the introduction of:

- Code of Conduct to provide a clear set of ‘ground rules’ for the standard of behaviour for all stakeholders, and
- Comprehensive registration system to provide transparency within the sector.

However, two elements of the proposed framework seem overly draconian and significantly affect the property rights of home owners without, in my view, a demonstrable benefit to other stakeholders.

The two issues are discussed below:

Exclusion Register

The proposed exclusion register could be an important tool to ensure that home owners who fail to put measures in place to protect the amenity of neighbours are removed from the STRA landscape. However, the fact that a property owner would be placed on the exclusion register after two strikes within a two-year period does appear quite punitive as it would prevent the home owner from Holiday Letting the property for a further five year period.

In addition, to the severe penalty, I have concerns around the potential for a vexatious claimant to make multiple claims resulting in additional resource of industry participants to defend. I note that the draft Code provides the ability for the Commissioner to dismiss a claim upon satisfaction that it is vexatious, trivial or minor. However, the power and definition of what constitutes these terms appears subjective and I think that a more prescriptive process could be employed to ensure that these types of claims are minimised. For example, the need for independent verification of an issue and also an opportunity for rectification within a reasonable period.

I would urge the Government to consider whether the proposed thresholds for placement on the exclusion register and/or the period of exclusion are appropriate.

Nightly Caps

The proposed application of nightly caps which, I note, vary across the state appear somewhat arbitrary and given the other measures being proposed seem like an unnecessary burden to place on homeowners. Given

that most homeowners would expect annual occupancy to exceed 50%, the imposition of proposed nightly caps will clearly reduce the ability to fully utilise their asset.

Whilst this reduced income potential will necessarily have a negative effect on the value of the asset (as the value to a future investor is reduced) it is not clear what the consequent improvement in surrounding amenity is and therefore whether the benefit/cost trade-off is warranted. Further, given the variation across different areas this approach discriminates against home owners in some areas whilst owners in uncapped areas are not affected.

It could be that the unintended consequence of the nightly caps will mean that industry participants will simply limit availability during the lower priced/occupancy periods (such as weekdays) and make properties available for the higher priced periods such as weekends and holidays when it could be argued guests are more likely to be partying and disturbing the amenity of neighbours.

This is just one example but the point is that we don't know what unintended consequences the application of arbitrary caps will have on the market and therefore we should be wary of making such a radical change.

Summary

Whilst the overall regime has many positive aspects and is a huge step forward in the development of this sector I do have reservations around some points listed in this submission, in particular around the imposition of nightly caps.

The restriction on the ability for a property owner to earn revenue from a private asset is a radical step for government to take and any decision along these lines should have a clearly understood community benefit.

It is my view that a regime with a strong code of conduct together with a transparent registration system will achieve the desired outcomes of the proposed regulations without the need to severely penalise property owners operating in this sector.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 8:40 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay 2481

Submission

I strongly recommend STRA review its policy due to inconsistencies - unhosted 21 consecutive days not counting toward quota. The registration system also needs to have direction from local government to enable local by-laws to be enacted. Registration of Air BnB in the Byron Bay locality is impacting upon all letting agencies. The lack of restrictions on this growth of AirBnB is a result of the poor registration policy allowing Air BnB to grow out of control. Byron Council must have input into the development and management of the registration system to enable restrictions on Air BnB short term letting.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 2:10 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2481

Submission

To whom it may concern,

I live in Byron Bay, and our town survives on tourism, but short term holiday lets in residential homes should not be allowed (unless it is for just a few months per year).

Please stop AirBnB and others ruining the amenity of our town whilst contributing nothing towards infrastructure. Neighbourhoods are being ruined due to noise, long term tenants have no where to live, it's not a good outcome.

Yours Sincerely

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 5:26 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2481

Submission

I am forwarding this submission as a resident of Byron Bay New South Wales, who has been adversely affected by whole house Short Term Holiday Rentals neighbouring my home.

I have read through the draft policies and do not believe they protect the residents in Residential areas who may have excessive noise, excessive people and excessive vehicles occupying and emanating from STHR with no host present.

Much has been made of the "Home Sharing of Properties" These whole house Rentals are not home Sharing, they are "Businesses"

I am not in favour of properties being Holiday Let in Residential areas when it is a whole house rental with no host present. It is impossible to monitor the behaviour of the occupants. It requires the neighbours to become pseudo managers, to have to go through the stress of fighting to protect their right to live in their own homes in peace and harmony. It leaves neighbours of these properties having their lives dictated by the behaviour of the holiday makers. When they sleep and when they wake is dictated by the times the people who are on holidays decide to swim and splash in a pool in the middle of the night, socialise in outside areas to all hours of the night. Invite friends over to spend the day socialising with them in the property, even though the maximum of people are already present on the premises. The list goes on and on.

As far as the planning of the Code of Conduct. There are four extremely important points I feel need to be addressed, as these are the issues which are most common in negatively impacting neighbours (from my own experience and general consensus when speaking to other people in Byron Bay)

Code of Conduct has nothing outlined regarding times required to address and resolve Noise or Anti Social Behaviour Complaints. (Eg: Issue to be resolved within 30 minutes of Complaint made.)

Code of Conduct has nothing outlined regarding times restricting use of outside areas, including pool usage. (Eg. Outdoor areas, decks and swimming pools usage prohibited from 10pm until 7am. NO NOISE from 10pm) These signs and timeframes are commonplace everywhere, motels, hotels, backpackers, caravan parks and NSW Parks and Wildlife accom, yet are ignored as imperative in STHL in Residential areas.

Code of Conduct has nothing outlined requiring the mandatory signage of Managers or Owners after hours numbers and them being contactable 24 hrs to address complaints.

Code of Conduct has nothing outlined to specify how neighbours navigate contacting someone in the event of excessive people occupying a property (including visitors to the property who swell the numbers and increase noise into neighbouring properties)

The Code of Conduct needs to be very specific or it will be ambiguous leading to more areas of frustration and discontent.

Safety issues: Who is responsible to ensure Pool fencing and Pool health is maintained to Council standards when these properties are given the green light to operate? This is something that really needs to be addressed!

Byron Shire Council is applying for an exemption from 365 days to 90 days. There is a great shortage of

permanent rental properties in this area, residents and workers have had to move away due to the amount of available properties one by one becoming Holiday Rentals. The cap of 90 days is a chance to have more homes returned to the permanent rental market.

From the perspective of a neighbour of STHL. I have adjoining properties on 3 boundaries. 17 years ago, when I purchased my home, these were permanent residents. Up until this year, these had all converted to whole house Holiday Rentals. Now two are host on premises holiday houses and one is still a whole house non host on premises. There is never a problem with noise or anti social behaviour from the host on premises properties, but repeated problems from the other.

I am in favour of an exemption of 90 days for whole house STHL.

I am not in favour of 21 days continuously rented, NOT being included in the 90 days. This is still a short term booking. It cannot be considered anything other, as there is no lease. This is clearly an opportunity to find a way around the 90 day cap.

Thankyou for considering my submission.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 8:03 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2481

Submission

The proposed policy overrides other legislation that supports residents. Clause 7 (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

NSW is out of step with locations all over the world. Major towns and cities are placing restrictions on Air BnB but in NSW the state government appears to have allowed the short term letting accommodation industry to write the rules.

The new legislation places a cap on days allowed for letting, where the host is not present, of 180 days per year or 365 days in regional areas. Byron was promised a 90 day limit in the run up to the last election but it is still to be approved and Council has to prove its case as to why Byron gets special treatment before it is approved. 90 days is still 45 weekends a year and, given weekend prices, this is likely not a deterrent to making owners return houses to the permanent rental market.

Unlimited days – no caps: Also, a loophole has appeared in the proposed regulation: a booking for 21 or more consecutive days will not count towards the limit when a host is not present. So a cap is not really a cap!! This means the true extent of short-term letting can never be monitored or measured. A host could add as many 21 day letting periods as they want for the rest of the year and it would not be counted in the annual total!

The state govt is also proposing an industry-led register to keep track of all short-term lets. It is expected to record the name of the host, the property's address, the duration of each booking and whether it complied with bylaws. The industry self-regulating? Really? This takes the power away from local councils to monitor non-compliance for their residents.

It is also known that a number of NSW MPs own short term rental properties, including the Deputy Premier. Politicians with clear conflicts of interest should not be allowed to vote on this issue.

The law supports residents – NSW Land and Environment Court has analysed case law on the definitions of “residential accommodation”, “residential building”, “residential flat building”, “domicile” and “flats”, and concluded that there must be “an element of permanence or residence for a considerable time, or having the character of a person’s settled or usual abode” in order to constitute “residential buildings”; relying particularly on *North Sydney Municipal Council v Sydney Serviced Apartments Pty Ltd* (1990)21 NSWLR 532 and *Derring Lane Pty Ltd v Port Phillip City Council* (No 2) (1999) 108 LGERA 129

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 7:24 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Byron Bay 2481

Submission

I just feel that if there's that many folk with spare flats granny ones or whatever using as AirB n B why not rent to homeless their not all losers some families are homeless kids going to school from cars meanwhile everyone else is cashing right in motels hotels too could help homeless folk a lot more in off peak is here when the homeless need it most think we need to look at that aspect of the whomever thing with all making money and lots of it

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 12:07 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Byron 2481

Submission

In Byron Shire there are 6085 dwellings that are uniquely listed as STRA by online providers (BNBGuard March 1, 2019). This represents 40% of the 15,000 dwellings in Byron Shire. It is not straight forward home sharing by "Mums and Dads", as AirBnB, the major online disruptor claims, but the short term letting of entire, unhosted homes that has led to disruption of residential communities on a massive scale.

The SEPP amendment states "(7) 1. In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency".

This SEPP amendment, legally allowing short term rental accommodation in residential zones, will completely change the nature of residential living. My family and I purchased in good faith into a strictly R2 residential zone 22 years ago where tourist and visitor accommodation is a prohibited and illegal activity unless a DA has been granted. If I had known that there was to be an STRA as a neighbour, I would not have purchased our current home. What compensation will the NSW Government provide to my family and the families of other residents, for extinguishing our residential rights?

Although I regard the legislation as unethical and unjust, I will comment and make suggestions concerning STRA "A New Regulatory Framework". Many of the proposed regulations have loopholes that canny and unscrupulous owners/managers and online providers will take advantage of. These loopholes need to be closed, and improvements made, so that the acknowledged problems for residential communities can be reduced.

SEPP AMENDMENT

There are 9 types of residential accommodation that are listed as being available for STRA. One of these is secondary dwellings. This conflicts with the statement made in the Explanation of Intended Effect 2018, where it was stated "STRA will be excluded from affordable rental housing approved under the SEPP (Affordable Rental Housing)2009 (ARHSEPP) and SEPP 70 (Affordable Housing), as these policies are aimed at increasing affordable rental housing for long term residential use." This needs to be clarified and secondary dwellings approved as affordable housing must not be allowed to be used as STRA.

REGISTRATION

I agree that a registration system for STRA is essential and the large majority of members on the Code of Conduct committee recommended this, except for Airbnb representatives. Parliamentary legislation is currently in place to implement registration.

I totally disagree that there should be a potential industry led registration system where industry is to develop and manage a registration system. It has been shown that self- regulation in industry is not functional or wise. For example, the current situation in the banking industry, which has led to the revelations revealed in the Royal Commission and self-regulation in the building industry which has led to major building faults in large strata complexes indicates that self-regulation does not work. This is akin to "putting the fox in charge of the henhouse". The STRA industry aim is to maximise its profit and deems regulation as overkill so that it benefits, and, does not protect the communities where STRA are located. Airbnb, the major online provider, has publicly stated in the media that it opposes a registration system and has encouraged their hosts to voice their opposition. In Japan, when a registration system was introduced

along with fire and safety regulations, Airbnb saw an 80% decrease in their listings. The co-operation of this provider in enabling the successful functioning of a registration system is doubtful. The STRA industry is bound to charge a fee to owners for registration.

In San Francisco, City officials have enacted a registration scheme where different caps have been given to whether the STRA is hosted or un-hosted. The City officials have found that a large number of STRA owners are claiming that they are hosting STRA. In reality, these STRA are un-hosted. The City has employed 4 people to strenuously check the credentials of all STRA owners. This sorting of days' caps will happen in NSW.

A registration system must be undertaken and led by a government body. Local government Councils are best placed to undertake a registration system as they are aware of the properties that are being offered for STRA. This is also a position that the Local Government Association has suggested. Guidelines for the registration process can be set by Fair Trading and the registration information then transferred to a central data bank controlled by Fair Trading. The cost of registration should be borne by STRA owners, which becomes a tax deduction. This scheme would create greater confidence in the public that registration is transparent, fair and abides by the law.

Local Councils could enact registration regulations developed by State Government. They would ensure that the number of bedrooms made available in a STRA complies with the original DA. In my shire there are many illegal developments, illegal conversions of garages and other parts of current STRA's converted into additional bedrooms. This would be similar in other shires. Many STRA owners in my shire would not be aware that they are on bushfire prone land and the BAL rating of their lot. Councils are best placed to detect whether the STRA can be legally registered. It would be easier and more efficient for this to be detected before registration rather than after registration to an industry led body. This would also reduce the chance that tee pees, tents, caravans, campervans and treehouses will be registered. These are currently being advertised as STRA with online platforms such as Airbnb.

For registration STRA owners must produce evidence that they have current public liability insurance and have met fire and safety standards by producing a current certificate from a certified fire compliance officer. There should be annual renewal of registration with production of certificates for renewed insurance and fire safety compliance. This would entail a smaller fee compared to the initial registration fee.

Failure to register and to holiday let should result in a monetary penalty as well as not being able to participate in the STRA industry.

All advertising, whether online or otherwise, must show a valid registration number. This will enhance consumer confidence.

Not only is it essential to show the number of days properties are booked for STRA but the dates that the property is made available for STRA. In LGA's where there is a maximum 180 days made available for STRA, this means that dates are provided. It does not mean that an STRA stops letting when they reach 180 days of being occupied within a calendar year. The system will be easily rorted if the dates for letting are not provided.

This is in line with the Alex Greenwich amendment passed by both houses of parliament when the STRA legislation was debated. The amendment follows:

"Registration of premises used for short-term rental accommodation Page 3, Schedule 1, proposed section 54B. Insert after line 43: (c) provide for the registration of residential premises used for the purposes of short-term rental accommodation arrangements and for the registration system to include details about when residential premises are used for those purposes, and".

If the STRA is not registered, then online providers and others involved in STRA must not advertise them. Failure to do this should result in a monetary penalty to the host and those who contravened the regulation. This should result in an inability to be involved in STRA.

An important piece of information which should be made publicly available is whether the STRA has current registration. There should be no charge applicable for a registration check. This is commensurate with other registration systems such as licensing of tradesmen. Industry should be required to report any breaches of number of days of STRA allowed.

FIRE AND SAFETY STANDARDS

I agree with the proposed additional fire safety and evacuation controls for dwellings used as STRA.

There is a major anomaly. STRA in class 2 and 4 buildings require the mandatory installation of a fire blanket and a portable 2.5kg ABE fire extinguisher in the kitchen. This is not mandatory in class 1(a) –

standalone dwellings. Fires do occur in standalone dwellings. Therefore, a fire extinguisher and fire blanket in kitchens should be compulsory in all STRA.

In addition, where an STRA has an open or closed fireplace in a lounge area or other part of the dwelling, then there should be compulsory installation of an approved fire extinguisher and fire blanket in the room(s) where the fireplace is located.

AirBnB has publicly stated that they are not in favour of these fire and safety regulations. Responsible hosts would want to ensure that their guests are in a safe environment and if there is a fire then equipment is available to extinguish this fire, and, exit lighting and alarms lead to a safe exit.

These fire and safety standards should be applicable to both hosted and un-hosted STRA.

The recommendation that there should be no more than 2 persons of any age per bedroom to a maximum of 12 persons for a dwelling with 6 bedrooms, whichever is the lesser is sensible. I am aware that some STRA industry representatives do not want infants under 5 years age counted. This will result in overcrowding. For example, it could be possible for a dwelling with 6 bedrooms to have 6 couples each having 2 infants, a total of 24. This would contravene the regulations in the Building Code of Australia. A class 1(a) building would then become a class 1(b) building, requiring a DA and different fire and safety regulations. From experience, large family groups can make as much offensive noise as a group of people intent on having a party.

STRA ON BUSHFIRE PRONE LAND

I agree with the requirements needed for bushfire prone land.

There is conflicting information presented in the table on page 7 of the discussion paper. In the column with the heading titled "Current approach". It states "the STRA SEPP will not provide a DA application pathway for STRA on bushfire prone land greater than BAL 40 risk factor". This conflicts with the statement provided with the reason where the "STRA is unlikely to be approved on BAL 40 properties". Therefore, the "Current approach" statement should be changed to greater than or equal to BAL40.

The BAL of adjoining land to the STRA should be examined as many of these would have a BAL rating of 40 or greater. I am aware that many STRA are a few metres away from bushfire prone land which has a BAL rating of Fire Zone. Many STRA owners, particularly absentee owners, would not be aware of the BAL of their property. If they are on, or adjacent to, fire prone land, it needs to be compulsory for them to organise an independent assessment from the Rural Fire Service, before registration.

UN-HOSTED BOOKINGS OF 21 OR MORE CONSECUTIVE DAYS

This proposed regulation is a major mistake. This basically allows for commercial STRA operations to subvert any cap or threshold that might be imposed. It would be open to manipulation and rorting of the system where a middle company associated with the STRA online operator or others such as real estate agents would rent for 21 days or greater and then sub-let for shorter periods so that the shorter periods remain hidden.

In my 9 years of being a neighbor to STRA, I am aware of bookings greater than 21 days occurring twice. Therefore, I believe that long term bookings are rare.

COMMENCEMENT DATE

All aspects of the legislation including registration and a Code of Conduct should be in place for commencement. In other words, these should occur asap, but should not be staggered.

REVIEW OF REGULATORY FRAMEWORK AFTER 12 MONTHS

This should be carried out by an independent body, not the STRA industry, inviting submissions from all stakeholders. There should be further reviews undertaken every 2 years.

CODE OF CONDUCT

The proposed Code of Conduct will not prevent and solve any problems created by unruly guests in STRA. It abrogates the responsibility and duty that hosts should have to prevent and solve damage caused by their guests to neighbours' residential amenity.

The proposed regulations are biased in favour of hosts, STRA management companies and online providers. There were no representatives on the Code committee of community groups representing neighbours affected by STRA and who have most insight into the problems and how to solve them. The large majority of Code committee members consisted of representatives of the STRA industry and others who profit from STRA.

The potential Code states that a host or the host's authorised representative, must be contactable within ordinary hours, 8am to 5pm daily, to manage guests, the premises, neighbourhood complaints and other issues related to the use of the premises for STRA.

The major issue is that most problems involving occupant behavior disturbing neighbourhood amenity occur outside these hours. Many guests are in “party mode”, have no connection or obligation to the local community, and, have a sense of entitlement that they can do what they like as they have paid for their stay. Hosts and their representatives are abrogating their responsibilities if they do not deal with these issues at all hours. The impression conveyed to the public is that hosts feel it is alright for neighbours’ sleep to be disturbed by their guests, but they will not have their sleep disturbed by getting out of bed to deal with guest disturbance. This represents a huge double standard.

There needs to be the requirement that the owner/manager must be contactable 24 hours 7 days a week to be able to respond to complaints from neighbours within 30 minutes to deal with issues such as offensive noise, parties and anti-social behavior, which affect the residential amenity of the neighbourhood. Failure to respond or failure to deal effectively with the issue becomes a penalty (strike) against the host. Approved accommodation providers such as staff in hotel, motels and B and B’s, or security, are onsite 24/7 to deal with any issues. It should not be any different for STRA hosts. It should not be the responsibility of the Police or Council Enforcement to deal with these issues. It would be an incentive for hosts to have effective vetting of guests and ongoing guest management. If hosts do not take responsibility for the behavior of their guests and control them if it is unacceptable, then a Code of Conduct will fail.

What penalty applies to owners/managers who have poor vetting of occupants and continued lack of management of occupants so that there is continuing damage to residential amenity? At a minimum, all STRA are required to be no party or function STRA. Why has a no party/function rule not been included in this Code when previous Codes, including the former planning minister Brad Hazard endorsed Code (2012) had this as a regulation? Queensland has a “no party house” legislation. Why doesn’t NSW?

On page 10 of the draft Code, section 5.5.2, there is a list of guest obligations to neighbours including not acting in a violent or threatening manner. The discussion paper states that guests must not create noise, which equates to the legal definition of offensive noise as provided in the Protection of the Environment Operations Act 1997 (Noise). The major problem is that this definition by nature is qualitative. What will be offensive noise to neighbours, will probably not be offensive to guests. Neighbours have a legal right to speak to guests to quieten the noise. Invariably, this will lead to threatening behavior from guests. It is more appropriate for owners/managers to be contactable 24/7 to deal with these issues. This should be regarded as an emergency.

Section 5.5.3 states “The commissioner may issue guidelines about what may or may not be inappropriate conduct” on the part of guests. This should have been undertaken with the draft Code. It is a major lapse for legislation requiring comments for a submission.

Section 5.5.8 states that a guest is responsible for the action of visitors onto the premises during the occupancy period. There should be a limit of 6 visitors to the STRA and they are not to stay overnight. Permission for visitors should be obtained from the host. All visitor names and addresses should be submitted to the host before arrival.

When guests stay at an STRA, generally only the details of the main guest are provided. Online providers, particularly Airbnb, do not give provision for hosts to do any vetting of guests before a booking is completed. All guests should provide verified details including name and address before the booking is completed. If there is a disturbance at the STRA and it is verified, then it will only be the main guest who will be given the “strike” (penalty). It should be all guests be given the penalty.

If only the main guest is penalised, then they will circumvent any future bookings by organising other friends or family members to do the booking.

The Code states that an “appropriate level of public liability insurance”. What is an appropriate level? State the amount. How is this going to be checked? How is the renewal of this insurance going to be checked? Details of contact details for the host must be provided. What contingency details will be set in place when there are new neighbours?

The Commissioner may determine the supporting information to be submitted when a neighbor makes a complaint about guests or a host. What evidence will be required to support the complaint? It is envisaged that this will be biased in favour of occupants and owner/managers. It will be interesting to know how many complaints have been made and upheld at the 12 month review.

OTHER

It is proposed that tenants in a permanent rental will be allowed to short term rent. Is this with the approval of owners? This regulation should not be allowed. In many areas of NSW there is a lack of availability of

permanent rental properties. Allowing this to occur would exacerbate an already critical situation of rental housing shortage. There is documented evidence where a tenant rents more than one property with long term leases as permanent rentals, then short term rents them. In one instance in the City of Sydney, a woman rented 12 units in 3 different strata complexes and short term let each. This reduces rental stock availability to those who need a home.

All fire and safety regulations should be abided by tenants who sublet rentals as STRA.

CONCLUSION

A Code of Conduct and registration are essential. However, much of the current draft Code privileges the commercial benefits of hosts over the rights of neighbours to peaceful residential amenity. In addition, lack of regulation on certain matters relating to registration put commercial gain over the safety of guests. The matters raised in good faith above need to be incorporated into the Code of Conduct, registration and the SEPP amendment.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 10:30 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Byron Bay 2481

Submission

Airbnb has been intrusive into our community of Byron Bay with the majority of the owners being non resident either in the rental accomodation or in the town. Many live interstate or overseas so there is no balance of what it takes to be part of a regional country town with an infra structure which is suffering under duress with so many more Visitors coming to our beautiful town and region.

The registered DA approved properties have many commercial fees to pay to be able to comply in order to have Guests to stay safely in their accomodation but Airbnb doesn't have any registration or commercial fees let alone tax checks on their income. If everyone was on a level playing field it wouldn't be so difficult but the existing providers who are registered are supporting the council with their increased payments for rates, fire safety and insurances.

There is a continuing anti social behaviour that is experienced by Neighbours who are having their ambience and every day well being being disrupted week after week!!

We need some boundaries around the many illegal accomodations being built in our area which are not even DA approved and remain empty many weeks of the year and therefore our neighbourhoods are diminishing in the town and in the hinterland where people have chosen serenity to enjoy their homes.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 6:27 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Byron bay

Submission

No air bnb!!!!

I am a home owner but still I see the negative impact of air bnb .. I have grown up in this town and watched locals get pushed out due to Airbnb taking over.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 8:46 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
2481

Submission

I do not support AIRBNB holiday home rentals in residential areas of Byron Bay. I have them near my home they are constant party houses, have no respect for the people who live and work in Byron Bay. The landlords live elsewhere and don't care about the impact it has on residents.

Byron locals can not afford to live in Byron Bay as all rental homes are turning into airbnb investments.

Local holiday accommodation businesss are suffering and it a general negative on the whole community.

It must stop.

In Byron Shire there are 6085 dwellings that are uniquely listed as STRA by online providers (BNBGuard March 1, 2019). This represents 40% of the 15,000 dwellings in Byron Shire. It is not straight forward home sharing by "Mums and Dads", as AirBnB, the major online disruptor claims, but the short term letting of entire, unhosted homes that has led to disruption of residential communities on a massive scale.

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AirBnB has publicly stated that they are not in favour of these fire and safety regulations. Responsible hosts would want to ensure that their guests are in a safe environment and if there is a fire then equipment is available to extinguish this fire, and, exit lighting and alarms lead to a safe exit.

These fire and safety standards should be applicable to both hosted and un-hosted STRA.

The recommendation that there should be no more than 2 persons of any age per bedroom to a maximum of 12 persons for a dwelling with 6 bedrooms, whichever is the lesser is sensible. I am aware that some STRA industry representatives do not want infants under 5 years age counted. This will result in overcrowding. For example, it could be possible for a dwelling with 6 bedrooms to have 6 couples each having 2 infants, a total of 24. This would contravene the regulations in the Building Code of Australia. A class 1(a) building would then become a class1(b) building, requiring a DA and different fire and safety regulations. From experience, large family groups can make as much offensive noise as a group of people intent on having a party.

STRA ON BUSHFIRE PRONE LAND

I agree with the requirements needed for bushfire prone land.

There is conflicting information presented in the table on page 7 of the discussion paper. In the column with the heading titled "Current approach". It states "the STRA SEPP will not provide a DA application pathway for STRA on bushfire prone land greater than BAL 40 risk factor". This conflicts with the statement provided with the reason where the "STRA is unlikely to be approved on BAL 40 properties". Therefore, the "Current approach" statement should be changed to greater than or equal to BAL40.

The BAL of adjoining land to the STRA should be examined as many of these would have a BAL rating of 40 or greater. I am aware that many STRA are a few metres away from bushfire prone land which has a BAL rating of Fire Zone. Many STRA owners, particularly absentee owners, would not be aware of the BAL of their property. If they are on, or adjacent to, fire prone land, it needs to be compulsory for them to organise an independent assessment from the Rural Fire Service, before registration.

UN-HOSTED BOOKINGS OF 21 OR MORE CONSECUTIVE DAYS

This proposed regulation is a major mistake. This basically allows for commercial STRA operations to subvert any cap or threshold that might be imposed. It would be open to manipulation and rorting of the system where a middle company associated with the STRA online operator or others such as real estate agents would rent for 21 days or greater and then sub-let for shorter periods so that the shorter periods remain hidden.

In my 9 years of being a neighbor to STRA, I am aware of bookings greater than 21 days occurring twice. Therefore, I believe that long term bookings are rare.

COMMENCEMENT DATE

All aspects of the legislation including registration and a Code of Conduct should be in place for commencement. In other words, these should occur asap, but should not be staggered.

REVIEW OF REGULATORY FRAMEWORK AFTER 12 MONTHS

This should be carried out by an independent body, not the STRA industry, inviting submissions from all stakeholders. There should be further reviews undertaken every 2 years.

CODE OF CONDUCT

The proposed Code of Conduct will not prevent and solve any problems created by unruly guests in STRA. It abrogates the responsibility and duty that hosts should have to prevent and solve damage caused by their guests to neighbours' residential amenity.

The proposed regulations are biased in favour of hosts, STRA management companies and online providers. There were no representatives on the Code committee of community groups representing neighbours affected by STRA and who have most insight into the problems and how to solve them. The large majority of Code committee members consisted of representatives of the STRA industry and others who profit from STRA.

The potential Code states that a host or the host's authorised representative, must be contactable within ordinary hours, 8am to 5pm daily, to manage guests, the premises, neighbourhood complaints and other issues related to the use of the premises for STRA.

The major issue is that most problems involving occupant behavior disturbing neighbourhood amenity occur outside these hours. Many guests are in “party mode”, have no connection or obligation to the local community, and, have a sense of entitlement that they can do what they like as they have paid for their stay. Hosts and their representatives are abrogating their responsibilities if they do not deal with these issues at all hours. The impression conveyed to the public is that hosts feel it is alright for neighbours’ sleep to be disturbed by their guests, but they will not have their sleep disturbed by getting out of bed to deal with guest disturbance. This represents a huge double standard.

There needs to be the requirement that the owner/manager must be contactable 24 hours 7 days a week to be able to respond to complaints from neighbours within 30 minutes to deal with issues such as offensive noise, parties and anti-social behavior, which affect the residential amenity of the neighbourhood. Failure to respond or failure to deal effectively with the issue becomes a penalty (strike) against the host. Approved accommodation providers such as staff in hotel, motels and B and B’s, or security, are onsite 24/7 to deal with any issues. It should not be any different for STRA hosts. It should not be the responsibility of the Police or Council Enforcement to deal with these issues. It would be an incentive for hosts to have effective vetting of guests and ongoing guest management. If hosts do not take responsibility for the behavior of their guests and control them if it is unacceptable, then a Code of Conduct will fail.

What penalty applies to owners/managers who have poor vetting of occupants and continued lack of management of occupants so that there is continuing damage to residential amenity? At a minimum, all STRA are required to be no party or function STRA. Why has a no party/function rule not been included in this Code when previous Codes, including the former planning minister Brad Hazard endorsed Code (2012) had this as a regulation? Queensland has a “no party house” legislation. Why doesn’t NSW?

On page 10 of the draft Code, section 5.5.2, there is a list of guest obligations to neighbours including not acting in a violent or threatening manner. The discussion paper states that guests must not create noise, which equates to the legal definition of offensive noise as provided in the Protection of the Environment Operations Act 1997 (Noise). The major problem is that this definition by nature is qualitative. What will be offensive noise to neighbours, will probably not be offensive to guests. Neighbours have a legal right to speak to guests to quieten the noise. Invariably, this will lead to threatening behavior from guests. It is more appropriate for owners/managers to be contactable 24/7 to deal with these issues. This should be regarded as an emergency.

Section 5.5.3 states “The commissioner may issue guidelines about what may or may not be inappropriate conduct” on the part of guests. This should have been undertaken with the draft Code. It is a major lapse for legislation requiring comments for a submission.

Section 5.5.8 states that a guest is responsible for the action of visitors onto the premises during the occupancy period. There should be a limit of 6 visitors to the STRA and they are not to stay overnight. Permission for visitors should be obtained from the host. All visitor names and addresses should be submitted to the host before arrival.

When guests stay at an STRA, generally only the details of the main guest are provided. Online providers, particularly Airbnb, do not give provision for hosts to do any vetting of guests before a booking is completed. All guests should provide verified details including name and address before the

booking is completed. If there is a disturbance at the STRA and it is verified, then it will only be the main guest who will be given the “strike” (penalty). It should be all guests be given the penalty.

If only the main guest is penalised, then they will circumvent any future bookings by organising other friends or family members to do the booking.

The Code states that an “appropriate level of public liability insurance”. What is an appropriate level? State the amount. How is this going to be checked? How is the renewal of this insurance going to be checked?

Details of contact details for the host must be provided. What contingency details will be set in place when there are new neighbours?

The Commissioner may determine the supporting information to be submitted when a neighbor makes a complaint about guests or a host. What evidence will be required to support the complaint? It is envisaged that this will be biased in favour of occupants and owner/managers. It will be interesting to know how many complaints have been made and upheld at the 12month review.

OTHER

It is proposed that tenants in a permanent rental will be allowed to short term rent. Is this with the approval of owners? This regulation should not be allowed. In many areas of NSW there is a lack of availability of permanent rental properties. Allowing this to occur would exacerbate an already critical situation of rental housing shortage. There is documented evidence where a tenant rents more than one property with long term leases as permanent rentals, then short term rents them. In one instance in the City of Sydney, a woman rented 12 units in 3 different strata complexes and short term let each. This reduces rental stock availability to those who need a home.

All fire and safety regulations should be abided by tenants who sublet rentals as STRA.

CONCLUSION

A Code of Conduct and registration are essential. However, much of the current draft Code privileges the commercial benefits of hosts over the rights of neighbours to peaceful residential amenity. In addition, lack of regulation on certain matters relating to registration put commercial gain over the safety of guests. The matters raised in good faith above need to be incorporated into the Code of Conduct, registration and the SEPP amendment.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 3 September 2019 3:57 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Callala Bay

Submission

We live on the NSW South Coast where short term holiday rental accommodation is becoming quite common.

For the past couple of years we have had a short term holiday rental across the road.

For the majority of the time there have been no problems. However over the peak holiday season last year, from Just before Christmas to the end of January, we had some considerable problems with tenants acting inappropriately and disturbing all of the neighbors surrounding the rental property, which happen to be permanent residents.

Unfortunately when we contacted the owner about the noise and behavior the reception we received was less than friendly. In fact he specified that we were not to contact him directly if there were problems, but instead we were to refer the matter to the police.

In our view the issues raised by us with the owner are not issues that we should be troubling the police with, they have better things to do with their time.

The issues concerned were related to:

- Noise, yes which the police have some interest in;
- Excessive numbers of tenants occupying the property;
- Disturbing the neighbors generally; and
- The numbers of vehicles parked in the vicinity of the property.

The issues of most concern are the disturbance of the neighbors generally, and the numbers of occupants. The property is five (5) bedrooms and is advertised for up to 12 occupants. However, on many occasions during the peak holiday period we have counted up to 18 people occupying this property. Is it nothing for tenants to turn up and take in extra bedding for those in excess of the 12 catered for.

This of course also has an impact on the safety of the premises for such large numbers of people occupying the premises.

We welcome the new regulations, in particular those relating to the number of occupants allowed to stay in the premises and the imposition of new building safety regulations that will apply to short term holiday rentals.

It is our preference, and our submission, that the entire packaged should not be delayed to that is can all be introduced at the same time.

In our submission the new provisions relating to number of tenants, fire and building safety regulations should be introduced as soon as possible, and certainly before the commencement of the peak holiday rental

season in December 2019.

We consider that the introduction of the register is not as important as the provisions relating to numbers, safety and general non-interference with the enjoyment of the amenity of their own properties by neighbors. The provisions relating to the register can easily be introduced at a later date without affecting the more important provisions going to the enjoyment of the amenity of their homes by those neighboring the rental property.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 3:06 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Castle Cove 2069

Submission

I am writing to support the strengthening of safety regulations for short term rental accommodation.

Our neighbors had converted their house into an attached dual occupancy a number of years ago, and the property was since sold. The house was built more than 50 years ago. The new owner rents both dwellings, with multiple bedrooms available through the Airbnb website, with the use of a shared kitchen.

We're constantly concerned at the risk of fire through winter.

The dwelling is essentially run as a boarding house, though the numbers staying are below the qualifying threshold for boarding house regulations to apply. This is a dangerous anomaly that must end.

There should be regulations requiring integrated smoke alarms in bedrooms and corridors, as well as heat sensors in the kitchen, fire extinguishers, fire blankets, emergency exit lights and evacuation maps.

I trust you will strengthen the legislation, as it is only a matter of time before lives are lost otherwise.

From: [REDACTED]
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because being a single mother with young kids and a heavy mortgage.

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania,

there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

Thank you for reading my submission.

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 6:23 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Casuarina NSW 2487

Submission

Short term holiday rentals have no place in residential neighbourhoods without a significant cap and noise conditions. From personal experience the tenants arrive late on a Thursday or Friday and are usually alcohol fuelled over the course of a weekend. They regularly exceed capacity holding parties, smoking and swearing till late hours. It is not a matter of this being a seldom occurrence as many properties are full time hotels/businesses with rentals occurring over the entirety of the year. The yield from holiday rentals far exceeds long term rental leases which reduces availability of housing in the local area. It will be the case that fed up owners will take action under Civil Law for the tort of private nuisance. This ruins communities and neighbourhoods and should only occur in a limited capacity with strenuous restrictions.

I agree to the above statement

Yes

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 9:02 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2261

Submission

As short term holiday rental hosts, we understand the impact our short term rental can have on our community. We are very proactive in addressing concerns and issues which are flagged by our neighbours. Neighbours have our contact details and we encourage them to raise any issues which cause them concern. Reasonable complaints are addressed quickly and to their complete satisfaction. We check in each guest and ask them to review and sign the house rules.

This level of interaction with guests and neighbours is possible due to the proximity of our residence to the short term rental. For this reason, we believe it would be reasonable to allow situations where the short term holiday rental and residence are bordering (houses, not in a multi level dwelling) to be considered exempted development, or “hosted” by definition in the state environmental Planning Policy.

One thing that does cause us concern is the lack of clarity around what constitutes a serious breach leading to a strike. We feel that there is the very real possibility we could lose the ability to host due to a single vexatious neighbour.

We currently invest a significant amount of time, effort and money into our “brand” which is reflected in our reviews and repeat visitors. We have invested and plan on investing a significant amount of money in the coming years to continue to reduce the impact on the neighbourhood (for example, installing soundproofing on the outside deck). For these reasons, we would request that the following items be included in the legislation to be taken into account when considering whether or not to impose a “strike”:

1. History of responding in a timely and adequate fashion to neighbourhood complaints
2. Demonstrated evidence of proactive approach to minimise or remove potential issues from arising – for example, hosts that:
 - a. proactively monitor and enforce house rules to ensure no negative impact on local amenity
 - b. Install items to lower impact of short term rental on the community (eg soundproofing, additional parking, noise monitoring devices etc)
3. Neighbourhood impact statements – If a single neighbour is complaining, can this be balanced out, reduced or offset by other neighbours providing evidence/statements to the contrary?

Having some of these items considered in the proposed legislation would give us and other hosts comfort that our ability to host won’t be removed for 5 years on a minor complaint. As you can understand, increased uncertainty in the ability to host will reduce the case for investment (since expected return will be significantly diminished), therefore it will make sense simply to not improve properties. This is not in the best interests of the community, the guests or the hosts.

We also feel there needs to be a lot more clarity around what constitutes an event that can lead to a strike

and what type of reporting/evidence is necessary. For example, the accusation that the house is being run as a “party house” should need to demonstrate that the behaviour is:

1. Ongoing (History of valid complaints/reports to local council and attendance by law enforcement)
2. Known of and condoned by the host (or at least host has not acted to stop)
3. Well outside of social norms and expectations.
4. Considered not acceptable by a resident in an identical premises

Consider the following situation: a guest books a house for a weekend to attend a family reunion. Other family members have booked houses in the local area. The day before the event, the guest decides to have other members of the family around for a BBQ, a game of backyard cricket and a few drinks. Most people will see a good time, others could complain that it is a party and the guest should be kicked out and a strike recorded against the host. Should an event like this lead to a strike against the host if a complaint is received? In my opinion, if someone lived at the location, they would be well within their rights to have family around in the afternoon for the above activities as long as it wasn't continuing into the early hours of the morning and didn't happen every weekend. We contend that this sort of gathering is exactly what guests are craving and the reason why people are turning to short term holiday rentals instead of staying in hotels/resorts.

In regards to events that lead to a strike, where is the burden of proof? Is it up to the applicant to prove that the event took place, that it was in contravention of local laws, and against reasonable expectations, or does that burden rest on the respondent? In defence of an upset neighbour you would also want to discourage them from trying to put a camera in someone's face to capture evidence because this will inevitably inflame situations.

Finally, if a strike is recorded, can we request consideration be given to removing that strike if the host can demonstrate proactive steps that have been implemented to avoid such a situation (or other similar) occurring again? It would be a real positive to show how this legislation is looking ensure responsible hosts are being rewarded by their proactive steps to prevent issues happening in the first place.

In summary, we appreciate the impact our short term rental can have on the local community and appreciate the need for regulation to ensure guest safety and amenity of the neighbourhood. We simply request that consideration be given to:

1. Hosts that live within a certain proximity of the premises (We suggest sharing a common boundary) be considered as “hosted” stays given the proximity leads to more host/guest interaction and reduced issues
2. the history of the host in dealing with concerns and proactive steps taken to minimise issues are taken into account when deciding whether or not to prevent a house from being used as a short term holiday rental.
3. clarity being provided around how it is decided if a strike is to be recorded and where the burden of proof lies

Regards

Central Coast Airbnb host

STRA submission:

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Regards

Central Coast Airbnb host



LakeGroupStrata

STRATA | COMMUNITY TITLE | MANAGERS

13 September 2019

Att: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

Dear Sir/Madam

We appreciate the opportunity to provide feedback to the NSW Governments Short Term Rental Accommodation policy. As a prominent Strata Management Company in the Newcastle region, we are acutely aware of the impact that the short term letting industry can have on the amenity of a building if the necessary regulation framework is not in place or adequately administered by the appointed regulatory body.

Background

Our company has been involved in the Strata industry since 1993 and we have seen a steady increase in the use of Strata Lots for short term rental accommodation. In general terms, we see that there is a market for short term lettings, however the impact on the amenity of the building and in turn the effect on our management of the property, is often dependent on whether the property as a whole was originally developed for the purpose of short term lettings.

It is our experience that properties that are wholly used for short term letting accommodation generally run smoothly, as Lot Owners generally have similar values and are often focused primarily on maximising a return on their investment. Any impact on the amenity of residents is often fleeting, as all Lots regularly change occupants and thus there is no build-up of frustration that can often occur in a building containing primarily owner occupied or long term tenanted Lots. Properties designed for short term lettings would commonly employ an on-site manager or Caretaker that is able to induct residents into the property, explain expectations and address any issues in a hands on manner.

Our office manages a sizeable portfolio of holiday lettings in the Hawks Nest and Tea Gardens area and many of these consist wholly of serviced apartments/short term lettings and are generally seasonally occupied. In these locations, short term lettings function well as there are real estate agents managing the tenancies and can assist when conflict or occupancy issues arise.

Conflict can, and quite often does, occur in buildings containing Lots that are primarily owner occupied and long term tenanted. Residents of these buildings value the peaceful enjoyment of their Lots and are often at odds with the values of the occupation of the Lots used for short term accommodation, when considering that those seeking to occupy Lots on a short term basis quite often are seeking an alternative to the typical hotel/motel type accommodation, perhaps hoping there will be more of a relaxed approach towards noise restrictions and generally a less structured approach towards the management of the letting. Quite often owners in a one off short term letting Lot will have little or no personal contact with the guest and as a result do not give an explanation as to what is expected of the guest

East Maitland - 9/128 Lawes Street ■ PO Box 1 ■ East Maitland 2323 ■ Phone: 02 4933 6466 ■ Facsimile 02 4933 6733
Charlestown - 34 Smith Street ■ PO Box 175 ■ Charlestown 2290 ■ Phone: 02 4942 3305 ■ Facsimile 02 4942 3243

in terms of behaviour or any sanctions that may apply to dissuade the guest from disturbing the amenity of the building.

From a Strata Management point of view, we categorise the types of issues we experience as follows:-

1. Noise Complaints – By far the most common issue, noise complaints are generally a combination of one or more of loud music, loud voices and slamming of doors, quite often into the early hours of the morning.
2. Occupant Behaviour – This can be an issue for those Lots being used for parties or guests returning from functions such as weddings or birthday parties. Residents have reported damage to common areas, soiling of common areas by drunken guests, aggressive and antisocial behaviour towards other guests and residents. Residents who experience this report a build-up of frustration as they can experience the same issues across multiple tenancies (often weekends) with no real ability to sanction the host or the landlord.
3. Occupation of Lots – Concerns can be raised regarding the number of people that may occupy a serviced apartment or short term letting. Often numbers can exceed 2 adults per bedroom, with the occupants seeking to spread the cost of renting the Lot across a larger number of people to make the occupation more cost effective. This in turn creates additional noise, influences hot water supply to the building and could be considered a safety risk if large numbers of Lots were to be over occupied.
4. Security – This can be a major issue for buildings, particularly if combined with large numbers of people occupying a Lot. Residents in the past have reported fire doors being chocked open to allow guests to gain access if there are not enough keys or swipe tags between guests. This could also be considered a breach of fire safety regulations.

Additionally, some short term letting operators have been found to store keys in the letterbox for the Apartment and this can be a target for thieves to steal the keys and gain access to the building. Alternatively, lockboxes can be used and if the codes are not changed regularly, access can often be gained by previous occupants and this can lead to both access to the apartment and common areas such as garage areas where storage cages can be broken into and bikes stolen.

Comments regarding proposed regulatory framework

As a whole, we feel positive regarding the proposed framework, however the success or failure of the system we feel will largely sit on the shoulders of those responsible for arbitrating the system. Whilst we acknowledge that there is proposed to be an exclusion system, our initial concerns are whether the arbitrators will take a black and white approach towards the system without a bias towards the individual short term letting operator. It is our view that regulators need to be strongly considering the opinions of the majority, rather than focusing on the impact on the minority who may choose to use their Lot as a short term letting. We would also suggest giving particular weight to the use contained in the original Development Consent for the property.

We provide comment with reference to how the proposed introduction of the regulatory framework is likely to affect our business operation (particularly with respect to our clients). Our position is one of balance. We can see that in the right setting, there is a benefit to allowing short term lettings, however we would like to see that for Strata and Community Title

property, the decision rest with the Owners Corporation via Special Resolution, rather than have the majority being dictated to by one or two Owners or Occupiers that may choose not to comply, which is currently the case. Our views with respect to the draft documents are as follows:-

Code of Conduct

Whilst we understand the intention of the Code of Conduct, from a Strata Management perspective, we feel that there are significant loop holes that will either be exploited by hosts or be too difficult to police to the point where the Owners Corporation may take the position of registering a By-Law to prohibit short term lettings rather than consider managing short term lettings. From a Management perspective, we do not see any benefit to sanctioning Guests. In a short term letting scenario, it is our experience that the event will have occurred and the Guest having moved on by the time the Owners Corporation or Strata Committee are in a position to identify and sanction the Guest.

It is our strong recommendation that the Guest should be considered an invitee of the Host and as a result, any breach by the Guest, if approved by the Commissioner, should be a strike against the Host.

Our comments regarding individual clauses are as follows:-

Clause 5.2 – The Host should be obligated to advise the booking platform when a By-Law has been registered prohibiting short term lettings. It is important that the booking platform couldn't say they weren't informed, so the fact that the Host failed to notify the booking platform would in itself be a serious breach worthy of a strike.

Clause 5.2.3 – There should be an obligation in a Strata or Community Plan for the booking platform or the Host to notify the Strata/Community Managing Agent of any complaint made.

Clause 5.3 - The Host should be obligated to advise the letting agent when a By-Law has been registered prohibiting short term lettings. It is important that the letting agent couldn't say they weren't informed, so the fact that the Host failed to notify the letting agent would in itself be a serious breach worthy of a strike.

Clause 5.3.3 – There should be an obligation in a Strata or Community Plan for the letting agent of the Host to notify the Strata/Community Managing Agent of any complaint made.

Clause 5.4.6 – Clause a) should be re-worded to state the host AND the hosts authorised representative. Contact details should also be defined as land line contact number, mobile number and email address – we are occasionally contacted on our afterhours number by short term Guests who have been locked out or lost their keys and they do not have the Host's contact details. Our office would charge a fee for this service and the fee should be payable by the Host (not the Owners Corporation/Association)

Clause 5.4.8 – this should be prefaced by stating that 'BEFORE commencement of the short term letting use, a Host must give.....'. Clause b) should also state details of the Host AND an authorised representative (mobile number, landline, email).

Clause 5.4.9 – we can see this clause being exploited with Host name changes and similar evasive tactics. The prohibition should be on the Lot not the Host. It would be far more effective to have that Lot exiled from short term lettings for 2 years than to have a Host excluded, only to be replaced by a related party.

Clause 5.4.12 – add a clause to state that a breach by the Guest (or their visitors) is to be a strike against both the Guest and the Host. It is our strong view that it is only a clause of this

nature that will ensure the Host will make all reasonable endeavours to ensure that their invitees are model Guests and they should be doing the necessary background checks before occupancy is granted. At present, there does not appear to be any kind of background checking before an application for tenancy is accepted.

Clause 5.5.2 – additional subclauses should be added for:-

- Not compromising the security of the building by chocking doors open, copying keys, distributing swipe tags/remotes and other similar activities.
- Not compromising the fire safety of the building

Clause 5.5 – include 'and the common property' if in a Strata Scheme or Association Property in a Community Scheme.

Clause 6.1.6 – Agreed however the Commissioner should have the power to award costs against a Host or Guest if a strike is issued following the complaint.

Clause 6.2 (inclusive of 6.2.1 – 6.2.5) – these sections should be removed in full. This is a significant fault in the Code of Conduct and will serve only to complicate and add further layers of bureaucracy to the process. The Commissioner could certainly use their reasonable endeavours to gain advice from the Police or Local Council before making the decision, however referring the matter to the Council to address planning laws is flawed, as Councils have generally been seen wanting to distance themselves from short term letting compliance.

If these Clauses remain, it would be our general recommendation to our Owners Corporations and Association clients that if they have reservations regarding short term lettings, they would be advised to register a prohibition By-Law than to try and manage the process. The key reason would be that it would not be cost effective to battle Hosts or Guests who choose to breach By-Laws as they'll likely be pushed by the Commissioner to the NSW Civil & Administrative Tribunal to have the matter heard before a strike is issued. It would be simpler to prohibit short term lettings. You could imagine that if the Host has spent significant funds upgrading the fire safety compliance of the Lot and the Owners Corporation then register a By-Law prohibiting short term lettings, this would create dispute.

Clause 7.1.1 – a clause should be added requiring the Host to advise the Strata/Community Managing Agent (where applicable) when a strike has been issued.

Fire Safety Standard

We would be generally supportive of the conditions placed on the owners of Lots in a Class 1 and 2 buildings that are considering operating the Lot as a short term letting. Imposing additional fire safety requirements may mean a more considered approach will be taken by the Lot Owner to ensure the change of use will be worthwhile in comparison to the upfront capital investment to upgrade the fire safety measures within the Lot.

We would recommend that:-

1. The owner of the Lot(s) conducting short term lettings be responsible for any costs associated with the need to update the Essential Services Schedule for the building.
2. That in the case where the property may not have previously been subject to an Annual Fire Safety Statement prior to the use as a short term letting, the owner of the premises should meet all costs related to maintenance and upgrades related to the submission of the fire safety statement for the initial calendar year following notification that a Lot is being used as a short term letting.

State Environmental Planning Policy (Short Term Rental Accommodation) 2019

We have read and understood the proposed amendments and are of the opinion that this legislation should be commented on by appropriately qualified planning consultants.

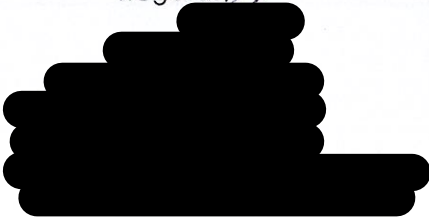
Environmental Planning and Assessment Amendment (Short Term Rental Accommodation) Regulation 2019

We have read and understood the proposed amendments and have no comment to make other than the hope that the penalties issued are of a value to satisfactorily deter industry participants from making future breaches of the Code of Conduct.

Lastly, we appreciate the opportunity to be able to provide feedback and we trust that prompt steps will be taken to review the responses and swift action taken to implement the final versions of the draft legislation.

Please contact the writer on (02) 4942 3305 or aaron@lakegroupstrata.com should you require any clarification on the above.

Regards,

A large black rectangular redaction box covering the signature and name of the sender.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 21 August 2019 9:26 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
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Suburb/Town & Postcode
Clovelly

Submission

Access to information on the register - it should be a register available to the public. If not, the owners corporation and strata manager should be notified immediately including the host is present and un-host situations. Information should include real-time booking days, and responsible person contact details for those bookings.

The reform is on the right track, however it has not addressed the compensations for the owners corporation, or residents, and owners of a multi storey building for additional wear and tear of the common property, electricity, water costs that pay by owners corporation, and the security issues for all residents.

I agree to the above statement
Yes

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

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From: [REDACTED]
Sent: Tuesday, 24 September 2019 6:33 PM
To: DPE PS STHL Mailbox
Subject: Short Term Letting Submission

Follow Up Flag: Follow up
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Dear Sir/Madam,

I am writing in regards to the draft planning instruments, regulations and Code of Conduct proposed in relation to short-term rental accommodation which are currently on exhibition for public comment.

We have had tremendous problems in Surry Hills since short-term letting became more prevalent in the area. We had hoped that these draft planning instruments would propose tough new measures that would help address these problems but are disturbed to see that the current laws proposed are unexpectedly unrestrictive and likely to cause even greater problems and risks for the community. We are most disturbed by the leniency of the draft laws proposed. In addition, there is the most disturbing new proposal to allow stays of 21 days to not count towards the cap on days permitted for short-term renting. This is of major concern as it would effectively enable residential properties to operate as commercial short-term letting businesses all year round. This is not in the public interest and must not be permitted.

We believe that short-term renting should remain illegal as its negative impacts and social consequences are too significant. Short-term rentals also create housing affordability problems and overpopulation impacts, as proven in other parts of the world and would worsen the current problems that already exist in Sydney. In addition, the legal and planning implications of such a move towards legalisation would be complex and problematic and should not be proceeded with until their full ramifications are understood and mitigated.

If some form of legalisation is to be enacted it should be far more restrictive so that impacts can be minimised, monitored and controlled. The current proposed draft laws are far too permissive and we are strongly opposed to them.

Since short-term letting became more prevalent in our area we have experienced significant problems in terms of neighbourhood cohesion, over crowding, sanitation and impacts on resident amenity. Whole terrace houses have been rented out to a seemingly endless stream of backpackers partying and showing little regard or acknowledgement for the local community. These establishments cause unrelenting noise, sleep disturbance and irritation and frequently drunken and anti-social behaviour. Rubbish bins are left on the footpaths all week attracting vermin and hard rubbish is frequently dumped as well. Within a short period of time, most of the younger residents who used to rent here have disappeared, as their homes now appear to be used by developers for more lucrative short-term rentals.

Many of these houses are overcrowded and dangerous. We know of one establishment that regularly had over twenty people staying per night in a terrace house with 5 beds per room.

These houses also pose considerable risks as has already been experienced in our area. For example, when one of the local boarding houses changed to short term rentals, within a short time there was a serious fire that destroyed the whole terrace house and nearly killed the inhabitants as there was no rear lane access to the property for firefighters. This fire also threatened numerous other homes as the premise was in the middle of a line of adjoining terrace houses. This level of risk is unacceptable and short term rentals should be banned in terrace houses or other dwellings that adjoin each other.

The draft laws do nothing to address these risks and impacts on amenity.

Not do they address the other disastrous affects on housing affordability, over-population and the destruction of the cohesion of communities that short-term rentals create, as widely documented in other countries who have moved to ban or greatly restrict short-term letting.

We strongly oppose legalisation of short-term rentals. If the government is intent on pursuing some form of legalisation the laws should be far more restrictive than those proposed here which are so weak as to be ineffectual and would significantly exacerbate the problems that we and so many others have experienced in regards to short-

term letting. The draft laws should be revised and made much more restrictive and brought into line with international best practice:

- There should be a cap of a maximum of 60 days per year.
 - It should be illegal for entire houses or apartments to be used for short-term rentals. Short-term rentals should only be permitted if a registered long-term renter or owner is also living at the premise and the number of renters permitted also restricted.
- The new proposal to allow stays of 21 days or more to not count towards the cap is of very great concern. It must be removed and a finite cap of 60 days or less comprehensively monitored and enforced.
- A register of all short-term rental premises should be established and a licensing system introduced and such operations registered as a business. Those who do not comply with all regulations should be strongly penalised and precluded from short-term letting in the future. The system should be managed by the government and funded by a registration fee.
- There should be a fire-risk assessment process established whereby properties that are in potentially dangerous locations or have characteristics that make evacuation or fire control problematic, like adjoining terrace houses, are excluded from being used for short-term letting.
- The proposed Code of Conduct is unacceptably weak. It does nothing to protect neighbourhood amenity. It should be dramatically strengthened and expanded. It should require platforms to ensure that premises listed comply with local planning laws and if they do not they should be deregistered.
- Hosts of short-term letting premises must be held responsible for ensuring that their premise is not used for parties and the host banned for any repeat offence. This should also apply to lack of proper sanitation, over-crowding, creating noise and sleep disturbance and not complying with local planning rules.
- New enforcement mechanisms should be established to properly police and enforce the system.
- Property owners must be informed and have right of veto to stop short-term renting occurring at their property.
- Short-term rentals should be monitored for their impacts on housing affordability, local amenity, over-crowding and over-population impacts. There should be limits on

how many short-term rentals a platform is allowed to list in each area.

There should be strong oversight, regulation and penalties for those found to be breaking the laws.

If short-term letting is to be permitted in any form, a lot more work and research is needed to ensure its impacts are adequately regulated and enforced by a strong, publicly accountable regulatory system. These proposed draft laws are so weak as to be ineffectual and not in the public interest. We request that more research is undertaken into international best practice models which robustly regulate the industry and its impacts before any legalisation of short-term rentals is countenanced.

Thank you for considering my submission.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 9:18 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
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Suburb/Town & Postcode
2000

Submission

Please keep my name and details confidential, I'm not comfortable with my information being open, thank you.

I am in favour of short term rentals.

Attention:

Director, Housing and Infrastructure Policy

NSW Department of Planning, Industry and Environment

GPO BOX 39

Sydney NSW 2000

10 September 2019

Re: Draft instruments and Regulations that will introduce the state - wide planning framework and mandatory Code of Conduct for short-term-rental accommodation (STRA).

To Director, Housing and Infrastructure Policy,

Thank you for the opportunity to provide a submission regarding the proposed amendments to the NSW planning rules pertaining to STRA.

Holiday Letting Organisation Central Coast (HLOCC) continues to support and promote the recommendations detailed in our 'Options Paper' submission titled *Holiday Letting Organisation Central Coast Submission October 2017* and our submission related to the *NSW: explanation of intended effect*.

In addition to our initial recommendations detailed in our submissions, HLOCC provides the following comments on the proposed planning rule changes:

Effect of SEPP on previously adequately regulated Local Government Areas (LGA's)

- The proposed SEPP supersedes those NSW LGA's that have already adopted proven adequate STRA rules and regulations.
- Superseding already adopted and proven STRA fair and reasonable regulations such as those in place on the NSW Central Coast, that have been scrutinised, voted on publicly by local residents and STRA owners, will overburden the local industry with unnecessary further regulatory requirements and undermine the existing STRA local industry.
- For this reason, HLOCC continues to support the regulatory model adopted on the NSW Central Coast that includes adequate regulatory provisions.
- We question why the NSW State Government is introducing state wide regulations that will effect all LGA's rather than requiring those LGA's, that have not been able to resolve their own unique challenges related to STRA being required to develop their own that suit there unique LGA.
- Historically all previous NSW State Governments have supported and require all LGA's to develop individual local LEPs / DCPs related to STRA. Many communities have made the effort to do as requested. These responsible communities will now be burden with further disruptive regulation due to those who have not solved their own unique individual challenges as previously required.
- Approved legal compliant participants on the Central Coast will now be closed down due to the changes required by the Rural Fire Service and these new regulation. 90 % of approved dwellings on the Central Coast are within a fire zone and will be

effectively closed down. The tourism short stay industry will possibly be decimated on the Central Coast of NSW.

- Please find the link below to interactive council mapping :-

<https://maps.s.centralcoast.nsw.gov.au>

- We will now see the effect of the 1 size fits all policy promoted by others at the expense of all other legal STRA LGA's.

2 strikes and your out in 2 years and your out for 5 years is unrealistic and will not improve management practices.

- **Why:**
- The international booking platforms heavily promote 'instant bookings' within their business models. The "Instant booking" process restricts effective vetting of prospective guests. STRA owners and managers who reject or cancel an inappropriate booking are penalised by the portals through restricted advertising.
- If and when the "Instant booking" system is modified or outlawed it may be reasonable to apply the proposed strikes, although retrospective strikes will never assist with development of quality STRA management practices.
- HLOCC continues to support the regulatory model adopted on the NSW Central Coast as fair and reasonable:-
- 3 strikes within a 12 month period and you are required to go for a DA. Generally if approved there is a 12 month trial period which permits improvement in management practices for new inexperienced entrants into the industry and promotes the development of well managed quality accommodation.

Change of use

- HLOCC questions the lack of defining when STRA is a 'change of use' within the proposed planning rules.
- An approved dwelling located in a fire prone area, operating as a legal STRA on a conditional residential scale should not be required to apply for a second development application (D.A) as there is no defined change of use. Any prospective occupants can already live or visit the dwelling as it already meets all of the building / STRA requirements (when originally approved) for that zone. When an approved dwelling is being utilised for STRA beyond residential scale, it should then be classified as a change of use.

The current Gosford / Wyong STRA LEP passed through the gateway process and was approved by all NSW Departments concerned including Rural Fire Services.

- Many participants made large investments in purchasing existing or new free standing dwellings under those approved laws.
- Existing STRA operations that have met and comply with the Central Coast's LGA STRA planning regulations should be grandfathered from these proposed planning regulations.
- There needs to be clarity as to the grandfathering of all existing legal STRA operations (with in all zones where dwellings are permitted) on the Central Coast of NSW.

Mandatory Code of Conduct

HLOCC continues to support the adoption of a mandatory Code of Conduct. Peak grass roots associations with many years of experience have not been included in the initial Code development process and have been disenfranchised and undermined by the so called national association. A national STRA association that does not consult

with STRA State Associations can not represent state planning. A national association that does not consult with all State Peak Associations undermines the legitimacy of any code which is proposed. Who does it actually represent ? It has never supported or represented existing planning laws within LGA's that already have existing LEP's/DCP's.

Effectively it undermines and destroys existing Local Peak Associations who have existed and supported STRA for many years.

It's promotion of a 1 size fits all, at the expense of democratically develop individual local planning laws which have followed the require state processes, is totally rejected.

- HLOCC recommends the NSW State Government investigate the "instant booking" processes the international booking platforms require before finalising the Code. Those who are experienced in the industry are acutely aware that the ability to **proactively** vet prospective guests is the cornerstone in protecting neighbourhood amenity.
- The current draft code does not support participants who wish to effectively vet their prospective guest nor does it hold the multi-national advertising portals accountable for undermine and restricting participants that reject inappropriate bookings for their prospective properties. A proactively vetting system helps protect neighbour amenity.
- While it may suite their business model, multi-national portals should not encourage and promote participants that provide "instant bookings" over participants who effectively proactively vet their prospective guests.
- Guests or participants who effect neighbour amenity due to the 'instant booking' process and are penalised retrospectively have already undermine the STRA industry regardless of how many retrospective strikes are imposed.
- A recognised implementation and proof of compliance system must be adopted to ensure quality management improvement and assurance.

•

• **HomeAway :-**

•

• **"Q: How does Instant Booking work?"**

•

• **A:** When you enable Instant Booking on your listings, all the booking requests you receive from travellers are automatically confirmed. The traveller's credit card is charged for the initial amount, you will receive a confirmation email that includes the details of the booking, and the reservation details will be automatically updated in your Reservation Manager.

•

• **Q: Does Instant Booking positively impact my search position?**

•

• **A:** **There are many factors that impact your performance and Instant Booking is one of the top ones.** Instant Booking will help you improve your booking acceptance rate, since the booking is automatically accepted. An Instant Booking counts as an immediate response which will positively impact your response rate. "

Conclusion

HLOCC does not support:

- The introduction of a detrimental SEPP which over rides existing fair and reasonable LGA STRA regulations and existing legal STRA operations.

- The requirement for existing, legal and approved participants being required to go for a second D.A. or be closed down due to fire restrictions when there is no 'residential scale' change of use within an existing approved dwelling.
- A mandatory Code of Conduct that is developed without initial consultation with all NSW Peak Industry Associations who support existing Laws in other LGA's and are recognised as official participants in its development.

HLOCC continues to support:

- **A Standard planning definition and Local Government Planning Controls** - to legalise and facilitate compliance enforcement,
- **An adequately consulted Industry Code of Conduct** - to prescribe STHL management and guest behavioural expectations.
- **Participating Organisations** - to promote, implement and enforce Code compliance.
- **Strata By-laws** - to assist owners corporations to address the unique challenges of a

poorly managed lot within a given strata scheme .

- **The Holiday Rental Solutions Pty Ltd Code of Conduct (*regulation*) enabling system** - to facilitate Code implementation and compliance, complaints management, education, and monitoring and reporting.

The HLOCC Board believes adoption of the recommendations contained within this submission will contribute to effective and sustainable regulation and management of the STRA industry, and positive outcomes for a broad range of stakeholders; further enabling STRA to continue to contribute to the NSW economy as it has on the NSW Central Coast.

[REDACTED]

[REDACTED]

[REDACTED]

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 28 August 2019 5:38 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
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Suburb/Town & Postcode
Cottage Point 2084

Submission file


Submission
Please see attached document...

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 5:45 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Cremorne NSW 2090

Submission

11th September 2019

I wish to “Have My Say” in regard to the NSW Government’s proposed amendments to the Short Term Rental Accommodation (STRA) industry.

1. The NSW Government is proposing to amend its planning framework for short-term rental accommodation (STRA) to cover:

- a. Land use definition and permissibility for STRA including a clarifying definition for STRA;
- b. Complying development criteria for STRA;
- c. Introduction of minimum fire safety & evacuation requirements for STRA;
- d. A Code of Conduct for the STRA industry; and
- e. An industry STRA Property Register.

2. I am a Host on the AirBnB Community Platform and my STRA property within the Greater Sydney Area is a 3-room apartment established within a 1911 Federation-built home. I have been a member of the Community since 2015.

3. I host a STRA premise for the following reasons and outcomes:

- a. The apartment was established principally to host friends & relatives visiting domestically and from overseas as a self-contained unit utilising spare capacity within the original home and therefore lent itself ideally toward a short-term rental arrangement;
- b. Now the apartment provides part-time rental income which is used to cover household expenses, R&M, utilities costs and in my case, mortgage repayments. On some occasions the income covers my and my wife’s holiday expenses so overall the income represents an economic benefit affording me opportunity to offset the rising cost of living in Council rates utilities, food and transport.
- c. The arrangement now in place allows me the opportunity to meet & greet visitors from across Australia and internationally - the resultant guest ratio for me in this respect has been about 2 : 1. The personal benefits in hosting a broad range of guests should be obvious but with those from overseas it provides an opportunity to highlight and showcase the ‘Australian way of life’, tourist sites in Sydney & environs and to particularly recommend local restaurants and small business.
- d. The continued economic support generated by STRA in NSW has been well documented in the media in the past year with visible increases in tourist numbers through all major tourist venues and it is suggested the Government’s proposals to rationalise the industry needs to be measured carefully to avoid damaging a relatively sound system of operation.

The NSW Government Environmental & Planning Proposal

4. In general terms I AGREE with the proposed amendments to SI 2006 particularly relating to:

- a. Defining STRA;
- b. STRA is not a form of tourist and visitor accommodation (though perhaps the term “tourist and visitor accommodation” could be better clarified);

- c. Defining in what zones and dwellings STRA land use will be permissible including daily usage criteria, and
- d. To the inclusion of minimum fire safety and evacuation requirements for STRA premises re the installation of smoke alarms, fire extinguishers and fire blankets.

5. I DO NOT however agree to the proposal that calls for the electrical installation of complex fire alarm systems particularly in STRA for a single-use bedroom or in premises which already have installed smoke alarms within the host's own home.

- a. Such expenditure is likely to be beyond the scope of retired STRA owners and hosts who simply wish to share their home and host guests on a limited basis through the year. Such expenditure will possibly be a deterrent to share-hosting altogether.
- b. The STRA system of house/room sharing is reasonably based upon those circumstances outlined in para 3 above while at the same time offering affordable rentals in a completely domestic social environment versus that offered on a formal basis in any city hotel.

Code of Conduct

- 6.
- a. I AGREE with the proposal for a Mandatory Code of Conduct across STRA provided there is a collaborative approach to its development and introduction. I also strongly suggest the Code should allow myself and other hosts to be covered by insurance directly provided by the AirBnB platform.
- b. Additionally there should be no fees either State Government or Council, associated with the imposition of a Code of Conduct.

STRA Property Register

- 7. I DO NOT consider a STRA Property Register is necessary.
- a. Insistence on imposing a Register over STRA property owners implies registration fees presumably on an annual basis and the requirement for annual property inspections presumably by Council officers.
- b. Each of these undesirable outcomes are likely to force STRA property owners to withdraw from host sharing in their homes particularly if unnecessary complex fire safety installations are also regulated.
- c. An automatic overhead associated with these measures is the administrative costs not only to STRA owners but also within State Government and Council Offices.
- d. Over governance of this nature is not necessary.

Thank you for this opportunity.

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Saturday, 17 August 2019 11:24 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Cremorne 2090

Submission

Traditionally, residents (owners and long-term tenants) choose to reside in Strata-managed premises with the expectation that their neighbours are, like them, invested in maintaining ongoing amenity and harmony within the property. This typically entails all residents understanding and respecting the precepts and guidelines that have been established over time.

By their very nature, short-term occupants are not interested in preserving the quality of life of their neighbours because they don't have the same investment.

Short-term occupation through organisations such as AirBnB was not foreseen by the drafters of the current planning legislation. It is effectively a new kind of commercial property use and it should be regulated as such. It should not be permitted in properties that are designated for residential use because the practice is really about providing "accommodation" in the way that hotels do, not "residence" in the legal sense of the term. For example, a short-term occupant would not change the address on their drivers license to reflect their current residential address.

For that reason, we propose that new planning regulations be developed to designate whole properties (buildings or complexes) be legally designated for short-term occupancy. Existing properties could apply to qualify for such a designation but only if there is UNANIMOUS agreement among property owners. Short-term occupancy would be illegal in other properties under any circumstances.

I agree to the above statement

Yes

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

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From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 5:30 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Cremorne

Submission

The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building, "Strata Title Short-term Holiday Rental Units" (or similar). These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. They should NOT be located in the midst of residential areas. Purchasers of these Units would be primarily investors. However Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by holiday-makers leasing other Units in the building. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the good faith belief that they would remain zoned residential. Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights and life style of other owners and long-term tenants by leasing their Units to complete strangers who just want to create havoc whilst on holiday. If not all Units in a building are rented short-term then other owners who reside in their Units are disadvantaged financially and life-style wise. This is because additional and accelerated wear and tear and damage to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in a building means that many financial institutions will not lend on any Unit in that building at all. The reason is that they are much too big a risk as financial institutions cannot be guaranteed to recoup the amount of the loan if the mortgagor defaults. If one Unit sells at a bad price there is a roll-on effect to other Units in that building. So developers cannot sell these Units in the first place. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally already located within or beside commercial centres which is another factor that favours this type of re-zoning.

I agree to the above statement
Yes

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 15 August 2019 9:37 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2065

Submission

I do not support short-term renting in strata apartments. [Short term defined as less than 3 months duration]

Reasons:

Short term renting of any apartment is inequitable for owner occupiers of strata schemes;

Loss of community in a strata complex due to high turnover of residents;

No regulatory guided screening of short term renters, like under the Residential Tenancy Act 2010;

Difficulties or impossible of/to enforcement strata law and By-laws of schemes;

Increased wear and tear of common property, and increased cost to maintain common property;

Increased security risks for apartment buildings;

Increased cost of mandatory insurance for apartment buildings; and

Economic loss for hotels, and other 'traditional' short term accommodation; including, loss of jobs, character and vibrancy of cities, provision of entertainment (consider the flow on affects of lock out laws).

Thank you for the opportunity to make a submission.

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 15 August 2019 9:57 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2065

Submission

[Note: Copy of my submission follows as don't know if previous submission went through successfully.]

I do not support short term rental accommodation in strata schemes. [Short term rental defined as less than 3 months]

Reasons:

Inequitable for all owner occupiers of a strata scheme;

Loss of strata community environment;

No effective screening of short term renters, like under the Residential Tenancy Act 2010;

Difficulties or impossible to enforce Strata Law and By-laws;

Increased wear and tear on common property;

Increased cost to repair and maintain common property, as required under Strata Schemes Management Act, 2015;

Increased cost of insurance premiums for mandatory building, public liability, office bearers insurance;

Economic loss for the State and hotel industry, including loss of jobs, loss of entertainment venues, vibrancy of cities.

Thank you for the opportunity to make a submission.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 8:49 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Darling Point 2027

Submission

As an owner occupier of an apartment in a building that would be highly desirable to holiday makers due to its location and facilities I strongly object to short term rental accomodation being allowed in residential buildings.

Holiday makers have no place in a residential property. They have completely different daily habits to residents and a completely different sense of obligation to their neighbours (ie, very little). I chose to move into a residence with neighbours who I can get to know, not a hotel.

I believe no short term accomodation should be permitted in apartments zoned residential, they should not have to set bylaws opposing it.

Bylaws can be overturned by investors who may care nothing for the local community other than the amount of profit they can extract from it.

However, at the very least I support the following provisions of the Owners Corporation Network:

1. Complying Development: STRA in residential strata schemes must be classed as 'complying development' with inspection by Local Council or a private certifier, not 'exempt development'. This is the only way to ensure the mandatory fire safety standards are met.
2. Day Caps: Un-hosted STRA must be capped at 60 days for the Greater Sydney Region to contain STRA to 'Home Sharing'. All STRA to count toward the cap. No exceptions.
3. Development Consent Conditions: Residential apartment buildings in mixed use and commercial zones with express prohibitions on short term letting must have their development consent conditions respected and preserved.
4. The Register: The planning law changes must not start without The Register, which must be run by Government or a neutral platform not operated or controlled by the short-term letting industry. The Register must include the days of occupation and all the platforms on which the premises is listed, Local Councils must be involved in designing the system. Local Councils and NSW Fire and Rescue must have access to the data.
5. Host Obligation: There must be an enforceable obligation for hosts to register their premises before it is listed and used for STRA purposes. This should be part of the complying development criteria, so it is clear the use of unregistered premises for STRA is illegal and penalties apply.
6. Platform Obligation: There must be a legal obligation for platforms and agents not to list any unregistered residential dwellings for STRA. International experience shows that without such an obligation, platforms will continue to list thousands of illegal apartments. Platforms must also have an obligation to share data with State and Local Government. All listings and other advertising must clearly display the host's unique

ID.

7. Charges and Fees: Residential strata schemes must have clear authority to levy additional charges and fees to additional wear and tear and costs whether STRA is hosted or un-hosted.

8. Flexibility: Local Councils must have flexibility to set a lower cap and apply zoning restrictions to meet their strategic planning objectives

SUBMISSION ON SHORT-TERM RENTAL (STR) ACCOMMODATION REFORMS

Strata buildings cover a wide range of sizes, locations and characters. It is **ESSENTIAL** that each Owners Corporation should be able to pass a By-law to restrict STR to preserve the character of their buildings.

Having widespread availability of STR accommodation in private residential buildings runs the **risk of interfering with strata residents' entitlement to the quiet enjoyment of their homes.**

My strata building is one block from a popular beach and I'm concerned STR such as Airbnb would see **a succession of loud, partying holiday-makers occupying units surrounding my home.**

Of course residents of strata buildings cause noise disruption to their neighbours when they hold occasional loud events. The risk with STR is that these events will be ongoing during the year **as a succession of short-term tenants holiday in the building.**

Owners Corporations have an obligation to maintain their buildings in good order. Owners and long-term tenants cause minimal wear and tear on a building and its facilities but the **frequency of short-term tenants moving in and out will increase the burden of building maintenance.**

Local governments regulate the areas within which commercial use of residential buildings is permitted. **NSW Government changes should not override council zoning.**

[REDACTED]

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 23 August 2019 2:25 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Dee Why2099

Submission

SHORT TERM RENTALS will be a DISASTER for the unit complex in the long run.
Levies will have to be increased to accomodate for the negligence of the ST renters .
The OWNERS will be faced with broken by laws and exaordinary damage to common property
Security within the complex will have to be upgraded .
Short Term Renters, will sub lease to friends who will not care and will be very difficult to prove who is who.
Insurance claims will rise for the complex.
Fire regulations will need to be overhauled especially in high rise apartment blocks.
Health and Safety issues will double .
Parking issues will skyrocket.
We will see the DEMISE of Bread and Breakfast venues.
SHORT TERM RENTAL, WILL devalue the property as a whole.
SHORT TERM RENTAL, is like a hotel / hostel come backpacking accomodations.
SHORT TERM RENTAL, is best suited for the Asian countries.
SHORT TERM RENTERS, should stay in B&B, HOTELS, HOSTELS, FRIENDS PLACES or Caravan Parks or Tents.
I am 100% AGAINST, SHORT TERM RENTALS where permanent residents live.
Thank you.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 7:59 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Diggers Camp 2462

Submission

In general supportive of the revisions to the STHR proposed reforms. In a number of areas I would support every stronger measures to support the safety and amenities of communities impacted by STHR.

*Fire hazard management _ in fire prone bush settings where there is no on site management I would suggest that there is no STHR allowed . For example the property next to me has no management on site , the property is poorly maintained with a huge fuel load, there is no control of the number of people who stay in the small dwelling and fires are often lit in the back yard , a disaster awaiting to happen in this bush setting, risking not only the rented property but also all the neighbouring properties and bushland.

*I would also support that the 21 days of continuous rental remains part of the rentable days and not considered separately.

*I would support that in sensitive areas that no STHR are allowed before inspection and making sure that the property meets the safety codes and that there needs to be over sight of the number of occupants .

*That the codes of conduct are enforceable and communities being impacted by STHR abuse have a clear and meaningful means of complaint and resolution.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 3:48 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
EUREKA NSW 2480

Submission

Dear Sir/Madam

Re: Submission regarding new Regulatory Planning Framework for Short-term Rental Accommodation (STRA)

I wish to make the following submission based on the numbered questions raised in the Discussion Paper for the new Regulatory Planning Framework for Short-term Rental Accommodation (STRA). My experience as a neighbour of an unregulated, non-hosted STRA in a rural area of the Byron Shire for the past 5 years makes me eminently qualified to comment.

2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?

The State Environmental Planning Policy (SEPP) (STRA) 2019 Division 2, sub-section 12(b) provides for a 180-day per year maximum of non-hosted exempt development STRA for the Clarence Valley, Greater Sydney and Muswellbrook Council areas. However, there is no provision in the SEPP for the 90-day maximum for the Byron Shire Council area as promised by the NSW Minister for Planning and Housing, Anthony Roberts, and Parliamentary Secretary for Renewable Energy and Northern NSW, Ben Franklin on 11th February 2019.

Although the SEPP (STRA) 2019, Part 3, sub-section 12(1)(c) gives the maximum number of persons residing in the dwelling at any one time as 2 per bedroom to a maximum of 12 persons in total, there is no provision for the maximum number of people that can actually be on the property at any one time. This is particularly relevant to our situation where guests seem to feel entitled to host events such as Bucks Parties, Hen's Parties, Weddings etc either with or without the non-resident host's permission. Hence this section requires clarification and a solution would be to extend the definition to include a maximum number of guests plus visitors that can be on the property at any one time, capped at 12 persons.

6. Are the specific obligations on booking platforms, letting agents, hosts, guests and facilitators in the Code adequate? If not, what other obligations should be considered for each of these industry participants? Why?

In Sections 5.2.3 and 5.3.3 Dispute Resolution, there is no requirement for booking platforms or letting agents to take reasonable steps to ensure that affected neighbours are aware of how to lodge a complaint with the Commissioner, although they are to reasonably ensure that guests and hosts are aware of how to lodge a complaint. Furthermore, there is no requirement for the host to make a neighbour aware of this right. This should be rectified to ensure that neighbours are fully aware of their rights and their opportunities to lodge a complaint.

Under Section 5.4.4 and 5.4.5 a host, or the host's authorised representative, must be contactable within ordinary hours to manage guests, premises, neighbourhood complaints and other issues. Furthermore, the host, or the host's authorised representative, must be contactable outside ordinary hours to deal with

emergencies. Our experience over the past five years has shown that when guests are being unreasonably noisy next door (usually on a weekend), there is absolutely no one we can contact to get the noise stopped as the non-resident owners manage the property themselves from Sydney. Although we have been advised to call the police, this is a particular problem in rural areas where police are very unlikely to attend on a Friday or Saturday night and so we have no choice but to put up with the noise or approach the guests ourselves.

A solution to this would be to extend the Code to include a provision that requires non-resident hosts who holiday let a property in rural zones, and who are unable to attend their property personally in the event of a complaint, to provide an out-of-hours contact number to a local Facilitator or Holiday Letting Agency who is responsible for responding to out-of-hours noise complaints on a 24/7 basis.

7. Is the complaints process detailed in Part 6 of the Code sufficient? If not, what other matters should be considered or set out in the process? Why?

Under Section 6.1.8 the Commissioner may dismiss a complaint if satisfied that “the complaint is frivolous, vexatious, trivial, misconceived or without substance”. However, there is no definition of these terms given. For example, one person’s definition of “trivial” may be another person’s definition of a hell, given their personal circumstances and the place in which they reside.

This is particularly relevant to people who chose to live in rural zones for the peace and quiet, but now have lost strangers coming onto their property day and night, and an increase in unwelcome noise from the non-hosted STRA next door. Residents may also have medical needs or work commitments that necessitate different sleeping patterns which do not fit the usual Monday to Friday, 9 to 5 workday. Before the advent of widespread STRA, such residents were able to live rurally with a reasonable expectation that they could have a quiet life. However, now that STRA’s are permitted in every zone throughout NSW, this is not the case. Hence, these terms must be explicitly defined for the purpose of this Code and must make allowance for rural zones where there is a higher expectation of peace and quiet and where noise levels travel considerably more than in cities or residential areas.

Under Section 6.1.10, the Commissioner is to consider any submissions and/or evidence provided by the complainant. However, the process to be followed to collect and provide necessary evidence is unclear. For example, how are rural neighbours expected to get evidence of a noisy party in the STRA next door which may be behind gates or trees? Is there a minimum number of neighbours who need to complain? Are they expected to trespass on the non-hosted STRA’s land to get photos, videos etc?

8. Are the grounds for recording a strike fair and reasonable? What other matters (if any) should the Commissioner consider when deciding whether to record a strike? Why?

Under 7.1.3, if the Commissioner is satisfied that a host or guest has contravened this code, the Commissioner can record a strike for “failure to comply with an obligation to a neighbour and the failure is not minor”. However, again there is no definition of “minor” given in the Draft Code. For one person a noisy party every month at the neighbouring STRA is not minor, but without a definition, the Commissioner’s finding is arbitrary and unappealable by the neighbour (see Question 10 below).

10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?

Under Section 7.3, the guest or host has an ability to appeal the decision by the Commissioner to undertake disciplinary action by taking it to the Secretary. However, there are no such rights afforded to affected neighbours. Hence once the Commissioner rejects their complaint because it is “minor, frivolous, vexatious, trivial, misconceived or without substance”, all of which are without definition, they have no way of appealing the decision.

This is clearly discriminatory as it does not provide an equal opportunity to neighbours as it does to errant guests and hosts. In fact, this inbuilt structural inequity in the system would allow errant hosts or guests to keep fighting disciplinary action, whilst the neighbour whose life is made constant hell has nowhere to go. They can’t even move away because they have absolutely no guarantee that another STRA won’t pop up next to them!

22. What role should the Government play in developing or overseeing the register, if any?

An industry-led register is fraught with problems, most of them related to self-interest. This register should be compiled and managed by local Councils (as should the whole regulation and enforcement in my opinion) and be totally independent of industry.

31. Should industry be required to report registration information, including number of stays (days), to Government and/or local councils? If so, how frequently? Why?

Yes. Information should be reported quarterly to ensure compliance with the Code, particularly in relation to the maximum day stay caps.

34. When should the STRA regulatory framework start? Please provide reasons.

It should start as soon as possible. We have put up with an unregulated non-hosted STRA next to us for five years and made multiple complaints to Council, however they have been rendered powerless to act by the NSW Government. We need this Code (subject to the changes outlines above) and we needed it yesterday!

In summary, from my reading of the Draft Code (including Appendix 2 – STRA Advisory Committee Members), it is very clear that it has been developed with very little input from people who have been negatively affected by STRAs. Instead it appears to me that there will be very little effect on the STRA industry overall as a result of this legislation, at the huge expense of the neighbours and residents of the local community who have very few options for redress.

Yours faithfully

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 5 September 2019 9:52 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Fairlight 2094

Submission

Airbnb and other short term letting entities are removing needed accommodation for local residents who are not able to own their own premises. If the homeowner is present and leases out a room - I have no problem. However, whole houses and apartments leased on short term lets for tourists do not add to the wealth of the community especially if essential services / key personnel are not able to reside in areas where they work - such as police, nurses, firemen, etc. Other cities around the world are all tackling this issue after seeing their local community decimated, especially Venice.

I would prefer no short term lettings but am prepared to accept 90 days. The 180 days is still too long a period.

Also I do not agree with any short term let of 21 days or more not counting towards the 90 days (or 180 days) - that will be difficult to police and a massive loophole.

I agree to the above statement

Yes

Submissions on Short-Term Rental Accommodation

I have lived in Fishing Point within the Council area of Lake Macquarie for the past 33 years. This area is a lakeside residential suburb with a strong sense of community.

In recent times I have become aware of an increasing number of houses in the local area being purchased and then let out as STRA usually by a purchaser who resides outside of the local community. The owners of these properties are not interested in the local community and buy with the sole purpose to make money. These properties are usually quite large and have the capacity to accommodate large numbers of people and as such create a burden on the amenity of the area in many anti-social ways.

I have witnessed firsthand the stress and heartache caused to neighbours of these STRA and I am concerned that our residential community has the potential to be converted into a town full of un-hosted party houses filled with transient guests who care nothing for the local area.

Cities all over the world are now recognising the impact STRA is having on local housing markets and local communities. For instance, in the Paris central area many of the schools have been forced to close due to low enrolment number as local residents being priced out of the market by STRA and not being able to afford living. Is this something we want to happen in Sydney and our Regional and country towns?

Maximum Occupancy

The maximum occupancy of guests should be limited to 6 persons and no visitors in R2 low density residential areas. It needs to be remembered that these houses are in residential areas, not holiday resorts. A maximum occupancy of 12 guests and no restrictions on visitors, with a turnover every few days is not conducive to residential living and peaceful enjoyment of one's home. Any more than 6 persons, by the very nature of the number of people will introduce noise and disruption to everyday residential living and introduce "party conditions".

Bookings at STRA should require the names and details of all guests intending to stay at the property as well as all day visitors.

This limit could be increased on application in relation to homes in rural areas where the impact on neighbouring properties would not be so great.

Number of Days

The 180 Day lower limit allows a STRA to operate every weekend and school/public holiday period. If the limit is designed to create periods where neighbours can be free of activities at the STRA, then the 180 days limit is ineffective. Local Councils should have the freedom to set a lower limit, and this limit should be low enough to ensure neighbours are allowed some significant respite from STRA, especially in areas that are not traditionally tourist/holiday towns. Even the City of London, England only has a 90-day limit. In New York City State law prevents renting out apartments in most buildings for less than 30 days unless the hosts live permanently in the same space.

60 days should be the maximum number of days a property can be used for STRA. This is more than enough to cover holiday periods and enable home owners to rent out their homes while on holidays and travelling. There should be no exemption for longer periods of 21 days and each day should count towards the yearly cap.

Exempt or Complying Development

Every STRA should be complying development. Properties should be independently inspected and certified for (not limited to) the following:-

1. That the appropriate fire and safety standards have been met (including continued monitoring of hardwired smoke detectors and notices indicating location of fire extinguishers and fire blankets)
2. Health and Hygiene standards should also be included (as per hotel standards) to ensure safety of guests
3. That there is sufficient, adequate and accessible on-site parking to accommodate the guests
4. Houses used as STRA must erect privacy screens and noise minimising structures to lessen the impact on neighbouring properties
5. That the property is registered and displays a notice indicating*
6. The register should also record and schedule monitoring/inspection and compliance of those properties with other potentially dangerous inclusions such as, but not limited to; access to lakes and waterways, jetties, jacuzzis', hot tubs, spas, pools, saunas, steam rooms, fishponds, lifts, stairwells and stairways, the structural limitations of decks, fire pits, barbeques, multistorey dwellings with floor level windows that open, smoking areas, play equipment, gym equipment, slippery/ uneven pathways, access to flotation devices and water equipment, and the inclusion/exclusion of pets
7. Provision of suitable amenities for disabled guests and visitors
8. Exit notices and evacuation diagrams
9. CCTV and other recording device notices
10. Evidence of current comprehensive and Public Liability insurance

*Each STRA needs to be registered and the host issued a licence number. Each Torrens Title STRA should have a sign erected outside the property stating the following:-

1. The registration number of the short-term rental
2. A 24 hour contact number
3. The maximum occupancy allowed on the premises at any one time

Torrens Title STRA affect more than just the neighbouring property. Un-hosted short-term rental houses impact many neighbouring houses not only houses directly bordering the subject premises.

Exclusion Register

There appears to be little or no personal contact with hosts of un-hosted short term rentals. Access is usually by way of a lock box or a code on entry.

How then can an exclusion register can be policed?

How, will the exclusion register be enforced if visitors are permitted onto the property?

The booking may be made in the name of the one person who is not on the exclusion register and the remaining guests may be all excluded. Even if every guest staying or visiting a short-term rental was registered as an occupant with official identification and checked against the register, how can this possibly be policed? How will underage guests be identified and excluded from booking the premises? For example, "schoolies".

Access to the register should be made available to the public without impacting on privacy laws.

Self-Regulation

It is a conflict of interest for the industry to self-regulate the short-term rental regulations. This is supported and proven with the recent current failure of the Building Industry to self-regulate. The register should be administered and enforced by the respective Councils and State Government. This is like putting the foxes in charge of the hen house. Self-regulation would be another minefield, emotional and logistically, for those local residents affected to wade through when trying to contact the correct person (would it even be a person) or an organisation that by its historic nature not interested in facilitating an easy path to a timely solution.

Any affected person (be it guest or resident or even emergency services) needs to be able to make contact with a separate organisation/representative that is available 24 hours a day. Ideally the property should be hosted. This is the obvious way to ensure the process is clear and simple and timely. We need transparency and simplicity, not another level of confusion and complication.

There should also be a levy imposed on hosts to support the administration and costs of short-term rentals register and the complaints process sufficient to cover the costs.

Inspections of the property should be regularly conducted by Council Officers to ensure compliance, again paid for by the Hosts.

Complaints System

It should not be for the neighbours to police the STRA. The only way this can be avoided and complaints minimised is to have an on-site host. The onus should not be placed on the neighbour to collect evidence, potentially place themselves in a dangerous situation and make a complaint because the quiet enjoyment of their home-life is being constantly disturbed.

If un-hosted STRA are going to be permitted, then it should be mandatory that a representative be located within a reasonably short distance of the property to attend when issues are identified by nearby residents. It is therefore imperative that adequate signage is displayed in front of the property to identify it as a STRA and provide contact numbers.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 10:46 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Haymarket

Submission

I would like to submit my views in support of banning short-term stays in residential apartment buildings in Australia.

Owners and long term residents comply with the by-laws and rules of the buildings whereas many short-term stays have little or no regard.

They party and make noise causing disturbance to other residents.

They have thrown things over balconies which can seriously cause injury to anyone below -

- * chairs thrown ,
- * glass bottles one after another etc.

They climb up onto dangerous areas i.e. boundary fence with a 15 meter drop.

They get drunk and have gone into our water feature.

They overcrowd into apartments. Using extra water paid by owners.

Condoms have been found in our stairwell.

Short-days cause security issues. Long term residents have fear for safety.

They have no regard for property and cause damage.

Theft.

The above are a sample of issues we have had to endure as owners. This is unfair for owners and long term tenants and therefore there should be a national ban for short-term stays.

The people making decisions about this subject should put themselves in our shoes and think about the seriousness of this issue.

This email is intended for the addressee(s) named and may contain confidential and/or privileged

information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

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From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 27 August 2019 1:42 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
INGLESIDE

Submission

I see no issue with people doing what they want with their own property

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Saturday, 17 August 2019 1:30 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
5037

Submission

I have lived next to an Airbnb for over two years and I'm am selling my house because of it. Respectfully, I really don't think your code of conduct will work. In residential zones I think it should be limited to home sharing. Make the home owner responsible for monitoring their guests at the residence. Its been my experience that 65% of guests are not tourists but locals using it to out source party venues. They can do what they like knowing they will never be back again. I have a 15mth old son and he is regularly woken up at all times of the night by the Airbnb. After living next to an Airbnb I am scared and anxious living in my own home. The groups that stay are usually extremely drunk and thus aggressive. What is the benefit to the community of Airbnb? I certainly haven't experienced one benefit only lots of negatives.

I agree to the above statement

Yes

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 12:59 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2780

Submission

We have an issue with STHA.

A neighboring residential property is used for STHA and also as a wedding reception venue. This creates non-domestic scale usage of a residential property for many weekends during the year - particularly spring, summer and autumn. This results in 50+ cars parked, 200+ guests on site for the reception, amplified music til midnight, 20 people accommodated overnight.

The environmental and noise impact from the STHA is significant.

The reforms must include a term to identify what is deemed 'domestic-scale' use of a property and what is considered to be commercial use. Clearly commercial use must be excluded from these reforms. I'd suggest a maximum of 12 people (including non-booked in guests) on the property.

I'd also suggest that the limits on noise and environmental impact be a lot tighter than for owner occupied properties.

This will result in owner-occupied operators of RESIDENTIAL properties remaining unaffected, while those operating at non-domestic scale and at the expense of neighbors are curtailed.

The reforms needs to have strict penalties on any transgressions that are linked to the property & not to the host.

The local council & local police de-prioritise noise issues, and consequently there are no repercussions after the event.

To: Director, Housing and Infrastructure Policy
Department of Planning, Industry and Environment

Re: Short Term Holiday Rental Regulation for NSW

Date: 6 September 2019

Dear Sir/Madam,

Blue Mountains tourism

No doubt that tourism is an important driver of economic growth to Australia. Tourism is in the top five money earners for the Australian economy. This industry is supported by the providers of accommodation services.

I own and operate a detached house in the Blue Mountains, which provides short term rental accommodation, for international guests, interstate guests and local Sydney guests.

Negative impact on the local economy

The accommodation market in the Blue Mountains is predominately serviced throughout the year as compared with seasonal accommodation provided on the east coast of NSW. Guests do not necessarily go to the beach/coast areas in say the winter months, however, people tour the Blue Mountains throughout the year. The 180 day limit will unnecessarily restrict the economy of the Blue Mountains region.

If the STRA legislation is strictly patrolled in the Blue Mountains region, and the 180 day limit will be enforced, then some owners may decide to exit the industry. This will negatively impact the local support economy, including loss of jobs with tour operators, café & restaurant operators, food and beverage suppliers, cleaning and laundry service providers, just to list a few of the local supplier of services.

I will certainly review whether it will be worth owning a house with the 180 day limitation. If other owners do the same, then the local tourism market will not be able to meet tourist demand.

Increased costs to owners

I believe that the legislation will establish an industry funded body. The cost of this body will need to be passed on to all service providers, in some form or another, which will increase costs and reduce the opportunity to earn a modest income. This additional cost may force STRA providers to leave the industry.

Single dwelling housing should be exempt

I can understand that the STRA legislation applies to both strata unit and detached housing, and by far the majority of short term accommodation in the Blue Mountains, excluding the motels and hotels, are detached housing.

The Body Corporate of a unit block may have the opportunity to ban any STRA accommodation. However, the 180 day cap will severely curtail the operations of STRA houses, especially when the quiet and peaceful enjoyment of neighbours will not be affected within a house environment due to the distance between dwellings compared to a unit complex where additional guests are be trafficked in the hallways in the same unit building. The 180 day enforcement should be relaxed or deleted for detached housing.

I hope that there will be consideration given to the negative impacts of the legislation on a single dwelling offering short term rental accommodation in the Blue Mountains and the negative impact on the local Blue Mountains economy.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 9:15 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Kanaooka / 2530

Submission

-The use of BAL zones to exclude existing holiday homes unfairly disadvantages rural & remote area holiday homes with very limited other accommodation options with ripple effects that will impact jobs & the local economy, with further effects on the property prices & future rates of properties in the area

-The limitation of guests per bedroom is neither fair or equitable as not all houses are the same.

-The current system is not broken so don't try to fix it for rural & remote area's that had holiday homes prior to the sharing economy with no problems

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 3:43 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

[REDACTED]

[REDACTED]

Suburb/Town & Postcode

Kiama

Submission

Basic problem remains. This affects all of NSW not just the focus on strata apartments in Sydney. Ongoing issues due to lack of policing of rules - council flicks it to police who flick it back and now Dept of FT involved. In practical terms who will enforce the rules in smaller coastal towns away from the big cities. Councils need to be forced to enforce the current rules, but they duck and dive, blame the govt. or police rather than making a stand themselves. With internet providers now having a larger effect, they need to be made to enforce the STRA rules as well. Not confident that the new code of conduct will help without clearer enforcement procedures.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 7:19 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Kilaben bay 2283

Submission

Airbnb is creating a very unpleasant street to live in and to bring my young family up in. We live at a dead end steep narrow street on a waterfront reserve (laycock street, kilaben bay). We live across the road from an airbnb host.

There is no parking available and she gets the air bnb's to park on a dirt road opposite our house (council property) or on the side of the road (out front of our house) which creates a lot of problems for people turning around at the bottom of our street so they constantly use our driveway as a turning point, and also creates problems for our own visitors not being able to park out front of our on home.

She has 4 rooms in the 1 house available for short term staying. (3 of the bedrooms accomodate 2-3 people in each and the 1 large room accomodating 5-6 people all at the one time) whilst they live in the house. As you can imagine this creates ALOT of traffic and a lot of people who walk through our property, and use our driveway as a turning circle.

We have had an accident at the top of our hill due to a couple driving straight through a stop sign not knowing the area and distracted trying to find the house number.

And I have been caught up many times in my own street not being able to get access to my house due to the cars parked terribly on the side of the road and having to wait till they come out to move their cars.

This is just a small problem and it's not even summer yet, not mentioning overflowing rubbish bin due to the excessive amount of people staying in their home which will create problems in the warmer months .

We would like to see some sort of inspection or plan to be proposed to council to approve you to air bnb as we don't have the space for all the accomodation she is providing.

We feel she should be paying taxes on the income she is making.

Their should be a max amount of people and rooms to be Airbnb at 1 time and a max of nights a year to be hosting and they should be taken up per room per night.

Their should be a limit of people being able to stay due to parking spaces also.

Something drastic has to change as I have grown up in this neighbourhood my hole life and airbnb hosting is destroying our beautiful Lake Macquarie and the great relationships we have been lucky to have with our neighbours.

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 5:39 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Kingscliff 2487

Submission

Needs to be heavily regulated in residential areas and neighbours need to be informed before the house/unit is rented out. Needs guidelines around noise and pool usage etc

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 5 September 2019 12:29 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Kirrawee

Submission

I think the current proposals are a business model to turn residential properties into profit centres for property investors at the expense of residential owners.

This is NOT democracy in Action where one group of people are trying to force Government to severely disadvantage the majority of owners who have to cope with the behaviour of people who know there is no consequences for bad antisocial situations.

I doubt that these investors would tolerate people behaving like a lot of reported living next to them.

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 19 August 2019 11:49 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Kirribilli

Submission

It is essential that residential strata complexes are kept for long term residents.

Short term rentals lead to major disruption within the complexes they are in. Short term tenants do not care about the noise and chaos they cause. Long term residents sleep suffers which ultimately impacts them functioning properly and performing at work the next day. This is something I know from personal experience.

Also, the short term renters and owners of these properties do not care about the additional wear and tear that occurs with turnover and the costs related to this.

The other major problem is safety and security. Complete strangers are coming in and out of the building unsupervised which puts all residents at risk.

Please keep residential properties for long term residents and proper licensed bnb's, hotels etc for short term renters.

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 5:52 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2061

Submission

The proposed regulations to introduce a state-wide planning framework and Code of Conduct for short-term rental accommodation in a residential apartment building removes the democratic rights of residential owners to protect their home against the commercial activity of short-term rentals. The by-laws of residential apartment buildings in mixed use zones with express prohibitions or limitations on short-term letting must be respected and preserved. There can be no over-riding policy reason which dictates limitations on the right of apartment owners to collectively decide whether or not to permit short-term letting where this is the clear desire of the democratic majority.

I live in Milsons Point the most densely populated area on the North Shore and one of the most densely populated areas of Sydney. Milsons Point has 29 high-rise residential apartment buildings accommodating some 4,000 residents and is zoned mixed-use.

The public resources in Milsons Point including on-street parking, open parkland and waste/litter management are strained.

I strongly object to the proposed Regulations as they will have a negative impact on

- o amenity;
- o security;
- o compliance with by-laws;
- o fire regulations;
- o damage to common property; and
- o insurance.

In addition, the proposed regulation could result in long-term rentals becoming scarce and expensive thus resulting in a rental shortage and reduction in affordable housing.

There may be a time and a place for short-term rentals. For instance, in rural areas where accommodation choices are limited. However, in major cities where there already is plenty of regulated accommodation short-term rentals should be avoided due to their negative impact on local life and neighbourhoods.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 15 August 2019 11:59 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2283

Submission

To effectively manage and enforce compliance, the Code of Conduct should provide that:

- hosts are to be provided with details of all booked guests (name, address and ID)
- only booked guests are to stay overnight at the premises and there should be penalties for breach.

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 15 August 2019 12:41 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2283

Submission
Issues with Visitors

From my experience, one of the greatest areas of risk relates to the situation where booked guests bring other people onto the premises. Hosts may have no knowledge of these additional people, including the number of people.

In renting out an 'entire' property, some guests are of the view that they can then invite whoever else they want - as the have 'booked the house'. The fact that the Draft Code of Conduct references visitors will only serve to reinforce this misconception, unless further clarification is provided.

It is important that

1. Hosts are given the ability to refuse or restrict visitors and penalties apply for breach
2. There is a clear stipulation that only booked guests can occupy/stay the night and at what point is a visitor a guest - if they are on the premises say after midnight?
3. Hosts are advised of visitors (at least visitor numbers and preferably ID)

Further I submit that it is inappropriate for hosts to be liable for visitors unless a host has specifically agreed to the visitors. In any event I do not consider it reasonable that hosts be liable for the property of visitors (or even guests) - ref Draft Code of Conduct cl 5.3.4 (b). Any personal property should be covered by travel insurance.

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From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 4 September 2019 10:15 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2066

Submission
Hi

There are issues in the draft SEPP legislation which open a number of loopholes likely to be exploited for commercial gain.

1. The code does not prohibit development (construction work) for STRA conversion.
For example installing wet bars adjacent to ensuite bathrooms in bedrooms used for STRA.
In the 2018 discussion paper development would not be permitted as part of the approval, but this does not appear to be reflected in the draft legislation.
If actual construction work is permitted there would be multiple issues opening up.

2. "Up to 12 people" is too onerous on neighbours for anything but a detached house.
In the 2018 discussion paper 12 people is rationalised using the example of what could be reasonably accommodated in a freestanding home.
In any other cases (townhouses, duplexes, apartments), a lesser number of people, say 6, seems reasonable. This will prevent, for example, special purpose AirBNB duplexes for up to 24 people on blocks as small as 400sqm being constructed entirely under complying development, with no commensurate developer contributions, parking requirements or planning assessment.

3. The 21+ day stays exemption for counting occupancy results in no meaningful differentiation between Non-Hosted and Hosted STRA
A quick search on AirDNA shows occupation rates varying by suburb between 30ish% to high 60's% (at best), with the highest occupation rates corresponding to those instances with a higher portion of long term bookings (over 21 days).
In short the 21 day exemption means there is statistically unlikely to be any difference between Hosted or Non-Hosted as it seems statistically implausible for a STRA to achieve over 180 days a year occupancy without long term bookings.
That is Non-Hosted STRA is likely to not be at all encumbered by the 180 day restriction, if the 21+ days exemption to counting those days proceeds.
This contradicts last years discussion paper where Non-Hosted instances were instead fashioned as a means to temporarily receive income (eg being away for a period of time), with the 180 days restriction proposed to enforce that and prevent long-term Non-Hosted arrangements.

1. The draft code is unclear in regard to which land the code applies

The Clause 5 *Land to which this policy applies* should describe the land where the policy applies, consistent with other SEPP codes. Instead this key detail is hidden within **Definitions** highlighted below. This highlighted detail should be moved to Clause 5 *Land to which this policy applies*.

“ ***short-term rental accommodation means an existing dwelling—***
(a) that is lawfully used by the owner, tenant or permanent resident of the dwelling (the ***host***) to provide accommodation on a commercial basis for a temporary or short-term period, with or without the host residing on the premises during that period, and
(b) that, if it were used predominantly as a place of residence, would be one of the following types of residential accommodation—
(i) an attached dwelling,
(ii) a dual occupancy,
(iii) a dwelling house,
(iv) multi dwelling housing,
(v) a residential flat building,
(vi) a rural workers’ dwelling,
(vii) a secondary dwelling,
(viii) a semi-detached dwelling,
(ix) shop top housing.”

Clauses (9) (2) (b) and (10) (2) (c), both of which read as follows, can and should be deleted as they are deprecated by the above detail (they are deprecated because they list out standardized land use types that are mutually exclusive with the above list of land use types, meaning the deprecated clauses will never be ‘activated’ as conditions for STRA).

“ the dwelling must not be, or be part of, a boarding house, a group home, a hostel, seniors housing, an eco-tourist facility, tourist and visitor accommodation, a camping ground or a caravan park, and ”

Besides the fact that Clauses (9) (2) (b) and (10) (2) (c) are deprecated, they should also be deleted as it is highly confusing to read that accommodation types commonly associated with short term stays, such as *Visitor Accommodation*, will not be approved as short term accommodation under either pathway.

In fact it appears all the accommodation types listed in Clauses (9) (2) (b) and (10) (2) (c) can reasonably include short term accommodation arrangements in alignment with the respective regulation and legislation that governs them.

2. The legislation as proposed is unintentionally bulldozing existing regulation

Clause 7, shown below.

“7 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency. ”

Taken literally this means that a Caravan park where the caretaker is resident onsite can no longer host short-term guests because the regulation that enabled that is being overridden by the proposed legislation (the proposed legislation not covering caravan park).

Alternatively a better solution would be to delete this Aim of the policy in Clause 3, copied below, rendering the Caravan Park as out of scope of the policy – this reduces overall confusion and complexity when considering how this policy could apply concurrently with pre-existing Land Uses that include short term accommodation governed by existing regulation or legislation.

- “ (c) to clarify the types of housing that may be used for the purposes of short-term rental accommodation. ”

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 9:10 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Lindfield 2070

Submission

I have an investment unit in the CBD that is STR. We have owned this property for over 20 years and it was purchased as part of our retirement plan. That is so that when we retire we will be able to live off money generated from our investments instead of relying on Government money. I feel we have taken responsibility for our future and the STR market has helped us here and having a limit of 180 days feels like we are being punished for doing the right thing by trying to ensure our retirement is comfortable.

The 180 day per year limit means that once you have met this you either need to remove the furniture to get a long term tenant, keep the furniture in the place and hope to be able to get a tenant requiring furniture or not lease it again until the clock ticks over and you can start on the 180 days again. If it is leased out as a long term rental do you then ask them to leave after their 6 months is up so you can go back to STR? So how does this work for tenants or those of us who have worked hard and saved hard to provide for our future? It just creates hassles.

I do understand that there might be an oversupply of STR properties in certain areas but this will sort itself out because if the occupancy rate does not allow you to have a better return than a long term rental you wouldn't do it (unless you also want the option of staying in it).

As for negative impacts on the property or its neighbours, I think this is rare. Most occupiers are tourists and as such are out and about most days which puts less stress on the property and if applicable the building it may be in and as for parties most tourists don't know enough people to party with and it is up to the owner to screen occupants. I think that neighbours who think that STR occupants are disruptive or may be are living by assumption rather than fact. It is a bit like assuming that those that live in boarding houses are drunks or drug addicts when they may be people wanting to save money to buy their own property or people new to the area who want somewhere less expensive to live whilst they familiarise themselves.

With regards to the effect STR's in an area might have on 'normal' rentals or house prices this is not concrete until measured consistently over a period of time and maybe some boundaries will need to be set but the 180 days a year boundary is not practical.

I hope another solution can be considered which does not negatively affect those trying to take responsibility for improving their lives and achieve a stable retirement.

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 3:26 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
LINLEY POINT 2066

Submission

Dear Sir,

We own a dual occupancy dwelling at Linley Point and have been renting the smaller of the two homes on a short term rental basis for over 20 years. This dwelling is essentially a 2 bedroom home on a separate block of land. It was built for my mother around 30 years ago when she could no longer cope living in the larger dwelling alongside where we reside. During the years that we have rented the cottage to a variety of local, interstate and overseas visitors, there have never been any complaints from neighbours or local community. We prefer to rent the cottage this way as it gives us the flexibility to have friends and country relatives stay when visiting Sydney.

I support the statement in the proposed Planning Framework - "where the host is present, STRA is 'exempt development' for 365 days of the calendar year". This is the current situation for our property and we would strongly object to any change. The 180 day limit would seem reasonable for situations where the host isn't present.

In regard to the proposed Register and Compliance, this should be government controlled rather than by the industry. There are too many instances where "industry self-regulation" has failed the community.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 3 September 2019 11:05 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Lithgow

Submission

Hi,

Upon review of the discussion paper, it seems that there'll be restrictions on STRA opportunities for rural properties that are zoned within a bush-fire prone & flood zone area.

Given that a vast area of NSW beyond the Sydney Metropolitan area is subject to being within a bush-fire or flood prone area this automatically deems any private land and associated dwelling potentially not eligible to be Short-Term leased.

Various platforms beyond Airbnb, like, Bookings.com, Homestayz.com, Youcamp.com, have been in operation for years prior to the arrival of Airbnb and these such platforms have been used to successfully to Short Term Lease various rural properties all within bush fire & flood prone areas.

The point is, all these websites provide an opportunity for all people and in particular city dwellers to have access to private and associated dwellings on rural lands as means to share and provide a stream of income for struggling rural communities which have next to zero employment opportunities in their community, and an opportunity to provide income to local rural areas that don't have enough accommodation to cater for during peak seasons.

Unfortunately, if you apply restrictions related to bush fire and flood areas this will minimize any legal opportunity for rural land owners to earn much needed income outside their already struggling farming or other income generating operations.

My suggestion is to apply your proposed conditions related to STRA to the Sydney Metro area only, whereas a separate criteria is applied to properties with a zoning of R1, R2, R3, R4, R5, which doesn't include any restrictions related to Bush-Fire and Flood Prone areas, as these owners are already living and/or using their land for personal dwelling/housing activities, so then why should they be restricted to share their land and dwellings with the public.

In summary, outside the context of safety for all persons using rural land or dwelling/s for short term use, the purpose of all STRAs is a sharing economy platform, which when used correctly can benefit all users. If taken advantage of and no consideration is given to safety, particularly in a metro environment, then I completely agree that strict restrictions must be applied to multi-unit/strata residential metro properties, however, as stated above this can't be applied to rural zoned blocks which are subject to bush-fire and flood zoning.

As an employee of the Department of Planning, Industry & Environment, I thank you as a fellow colleague for reading my statement and I hope that my suggestion will genuinely be considered

Kind Regards,

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 5 September 2019 10:23 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2036

Submission

People that want to generate and income from renting their properties out to multiple people need to comply with what ever regulations are in place
Human life comes before cost of installing smoke detectors and exit signage
If people oppose gore safety it's because of their ignorance.
I guarantee that most people on air bnb don't have sufficient insurance coverage to cover such an incident where the property is being used for a business
I say if your going to use the property for commercial purposes, you need to follow the same rules as a hotel regardless of its its 1 bedroom or 200 rooms

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 4:52 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Macquarie Park NSW 2113

Submission

I am secretary of our Strata Owners Corporation, SP7630.

We agree that there is a need for a register on STRA which will allow owners and tenants to deal with transit tenants. A statewide code of conduct provides transparency for all involved.

For our OC, we can then incorporate the by laws in our strata plan.

I agree to the above statement

Yes

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 6 September 2019 6:07 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2035

Submission

Short term letting in strata residential buildings needs to set up to the benefit of the residents and the short term letting business.

Maximum unhosted days, extra levies for extra supervision, wear and tear and rubbish must be included.

A small number of warnings for unreasonable noise and disturbance must be set , that once exceeded, the right to short letting is withdrawn for say 6 months

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 7:00 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Marrickville

Submission

The proposal to allow short term letting is devoid of protections for surrounding households from "party houses". There is scant recourse for people who have been and continue to be disrupted by these households. With owners living far from the premises, they are not interested in managing the noise issue. This forces surrounding home owners in these circumstances to pursue legal action for chronic noise. Also, why should the police have to be used to manage a short term let noise? I understand the police do not have current powers to issue noise notices to households but use their presence to compel rowdy parties to shutdown. The government must give police the power to issue on the spot fines to the business owner of the house (not the noise maker as they will be off overseas or to another state) and make provision for further penalties if the police are called back to the property within a certain period. If police resources are to be used to contain drunken slob on holiday making noise all night, then there needs to be a better outcome from their time. It is doubtful that the prospect of a fine will deter the owners (who issues it? Who says it should be issued?). Perhaps a three strikes and you're out situation is better. Of course with the police providing a report on the noise complaint. The police will be thrilled with that paper work. My comments are from personal experience of 18 months of hell living next door to a rental household like, with mid-week noise all the time. The tenants had no concern about the noise they made at all hours and all days, and similar the owner who lived 10 kilometres away had no concern. Managing noise and offensive behaviour in short-term lets would be far worse. The government must protect surrounding households and strengthen the recourse to noise. Perhaps the government could seek advice from the police commissioner on how many police hours are used up attending to noise complaints.

I agree to the above statement

Yes

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 3:45 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
McMahons Point 2060

Submission

I support short term rental accommodation reform in all means of limiting and regulating short term rental market.

I agree to the above statement

Yes

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 27 August 2019 8:05 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
McMahon's Point

Submission

I would like to express my dismay at how this proposed code of conduct affects me. It means that having a property in the city that I use occasionally but otherwise pays its way will now only be the preserve of the super wealthy who can afford for it to be vacant half the year. The notions of how it can be used outside the cap are ill-considered and simply will not materialise in reality. What the code is doing is forcing owners to sell, permanently rent or be financially disadvantaged and that deserves the expression of outrage. I feel that I may be forced to sell. This has come at a time when the property market has slowed and values have dropped. Further to this those turning to longer term rental will also find rental values have dropped. The financial implication of this code of conduct is unfortunately gloomy. The exemption which allows bookings of 21 days or more not to contribute to the cap would be far more fair at 7 days. The point of the exemption is that it “reflects feedback that longer bookings tend to have fewer amenity impacts and are key to support a mobile workforce”; I believe a 7 day plus exemption would still achieve the same and if one truly want to support a mobile workforce . Very few would travel for work for 3 weeks at a time. It’s a little far-fetched as it stands. A 7 day plus exemption from the cap may be workable as I see it.

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 4 September 2019 1:25 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Meadowbank

Submission

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because...

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekends only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

Thank you for reading my submission.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 30 August 2019 5:32 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Melbourne 3000

Submission

Generally, regulations and a code of conduct are important but in other industries, over-regulation has had a significant impact and increased not only compliance requirements but costs and a mass exit of industry people.

STRA are a significant income source for property investors nationally and internationally. Over-regulation could have a massive impact on income and could keep investors away altogether because they can't use their properties as a vacation home and rent it out as STRA the rest of the time.

A property owner that wishes to use their premises as an investment shouldn't be restricted by days or having to comply with additional safety requirements just because they are STRA. The safety requirements should be a general standard in apartment buildings and are not making any difference relating to the length of stay of a tenant or guest.

Why is there a difference between STRA guests and long term tenants? Long term tenants can often be worse than short term guests staying only a few days or a weekend with a "no party rule" and other restrictions placed on the listing by the host.

My question is how "host is present" is being defined? Does that require for the host to be in the property during the stay or just in the same city/area? STRAs that are being managed by an agent should be considered in the same way as "host is present" because the property is managed and will be accessible and maintained/cleaned after every guest which is more regularly than any long term rental.

As I said, regulation is important but there are questions for me regarding the impact and definitions at this point.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 11:49 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Submitted on Tue, 10/09/2019 - 11:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Info

Email

Suburb/Town & Postcode
Merewether

Submission file

[planning-and-coc-response.docx](#)

Submission

Pls see attached docx file

Happy to discuss the attached document and its recommendations and ideas in person or over the phone.

Pls provide an email acknowledgement to the above email that this doc was received.

Thanks

I agree to the above statement

Yes

Submission on the STHR industry Proposals in NSW

The following feedback and recommendations relate to the highlighted draft legislations and policies. This document also makes comment in regard to Q's 5-7,9,10, 16-18, 20-24, 27-32 of the discussion paper.

Thank you for the opportunity to provide feedback.

Draft Code of Conduct for STHA

Applicable clauses and comments are listed below:

5.2.7 Record Keeping Booking Platform – As a third party provider that allows owners and guests to enter into private arrangements without the collection of commissions for our platform, it will be impossible to hold records of transactions between owner and guest outside of the initial booking request or enquiry. As an Australian owned and managed website/business we pride ourselves on our no commissions platform thus keeping the commissions currently charged by overseas owned platforms (which are in excess of \$2million/day across Australia) and many other property management agencies in the hands of owners and guests to support local communities and economies. This has been the mantra of our business from the day we launched a couple of years ago. I believe this clause unfairly biases the two overseas owned platforms that are on the advisory board and serves to disrupt or disable the systems in place by smaller Australian owned and managed businesses that are trying to support local communities. We believe Govt should be encouraging owner and guest to communicate directly and ensure that bookings are not forced down the auto booking systems that the overseas owned and managed systems use which discourage open conversation between parties outside of their platform before a deposit and commissions are collected from those platforms. It is increasingly prevalent that online booking or auto booking comes with an increased risk of bad behaviour by guests and disruption to neighbours and communities.

5.4.3 PL Insurance - Host must hold PL insurance separate to Strata insurance. A list of PL providers should be recommended because currently there are none available for this type of accommodation to my knowledge. I would imagine given the nature of the tenancy any insurance would most likely be extremely expensive and not financially viable for the mum and dad investor and most likely not accepted by the large majority of those STHA providers. Alternatively, this cost would be passed onto the guest, which would only serve to damage the industry. Whilst I believe the idea around PL is a reasonable expectation it needs greater consultation with the insurance industry and perhaps an agreed and reasonable flat rate based on no. of bedrooms or another variable. This needs to be more than the Govt just introducing an insurance requirement to protect their own reputation or mitigate any risk of liability.

5.4.4,5 Host or representative to be contactable during ordinary hrs? As most incidents occur outside of ordinary hrs we believe it is critical that an owner or their representative must be contactable 24/7 for any issues, complaints that

may occur not just emergencies. This then aligns Short Term Holiday Accommodation properties and their owners or representatives in line with the practices of Hotels/Motels and reduces the risk of incidents occurring and complaints being escalated to the Fair Trading Commissioner for resolution.

5.5 Obligations to Neighbours and Owners –

Should include a clause under 5.5.8 that requires guests to obtain approval before any unauthorised guests/visitors enter a premise during the letting period outside of the agreed guests in the letting arrangement/agreement. This will serve to formalise the number of people allowed in a premise, or to sleep overnight or otherwise visit the premise and reduce the risk of complaints to the Commissioner in Strata buildings. Whilst this could be covered under 5.5.1(c) there may still be a level of ignorance if it is not a legislated responsibility of the guest and the implications of a breach could be challenged and unlikely to result in repeat behaviours by a guest at the next premise they let unless there is a terms of reference appendix for owners to draw from in this document (link from 5.5.3

This section should also include a clause to protect the owner from the guest/s intentionally, recklessly or negligently causing damage to premises being let and any personal property within that premise (common property and neighbours property is covered but not specifically the let premise. The best way to achieve this would be to allow the owner or their letting agent to collect a security bond directly, which has been proven to discourage bad behaviour and or damage to premises. The systems that platforms such as Airbnb use in this regard are generally ineffective as their resolution process is known to favour the tenant and a tendency to accept denial of damage and at most the hosts recovering less than half of the damage caused. The online process they use is well documented around the world to not deal with breach of accommodation terms and conditions around Strata properties and penalise guests who breach those terms. A security bond system used by the owner or letting agent directly with the guest is proven to create a level accountability to follow any accommodation terms and conditions which reduces the complaints from neighbours and Strata bodies which in turn reduces the risk of escalation of issues through to the Fair Trading Commission.

7.1.1.b(ii) The number of visitors or guests is already covered under the Planning Act and it should not be up to the Commissioner to make a ruling on this when it is already legislated or about to be under the EP&A Act and its applicable policy documents provided which restricts the number of people to stay in a STH premise. This should also be included in any terms of stay/agreement the owner or their representative has with a guest.

7.1.1.b(v) requires more detail other than “may impose other conditions” in relation to STHL. This opens the Commissioner up to perceived bias between one owner, participant or platform to another and potentially sees the platform with the biggest pull in the industry or over Govt being able to gain favouritism over smaller platforms and participants to create their own rules. This has been proven to occur in cities in overseas countries where certain platforms end up with a monopoly of the industry and competition is eliminated.

7.1.4 refers to 7.1.4(d) of which there is no clause?? Assuming this refers to 7.1.3(d)

7.1.5 needs to detail what “other disciplinary action” means and provide an appendix list of what these actions may include.

7.2.6(c) I question whether “other details” could be challenged under privacy or other laws and suggest enquiries about the guest, host, premise be directed in writing to the Commissioner for release of further information at their discretion.

7.2.10 Booking platform ...not required to remove, notify etc within certain period **BUT** *‘is required to notify guest or host of Commissioners intention and forthcoming record so the guest or host can make a decision to cancel the booking based on the information received’*. I can see this preventing a person or group that has planned a number of events or parties at various locations with the intent of not following any terms of stay and causing disruption to neighbours and/or damage to a premise. This is a regular occurrence during periods like schoolies week and other peak periods.

7.3 Where a review is requested any such record of strike or exclusion should not be noted on any register until the appeal is processed and the strike or exclusion is determined to remain or be removed.

STHA Fire Safety Standard

The requirement to have smoke detectors installed in every bedroom and adjoining hallways in a Class 1a building is contrary to the requirements of the BCA and the applicable Australian Standards. It also contradicts the recommendations of Fire Rescue NSW.

The requirement to have smoke detectors installed in every bedroom and adjoining hallways, to have the smoke detectors with evacuation lighting capability in hallways, have them connected to mains power and have them interconnected in an existing Class 1a building is contrary to the requirements of the BCA, the applicable Australian Standard AS 3786 and the recommendations of Fire Rescue NSW.

The requirement to have heat detectors, fire extinguishers, and fire blankets in the kitchen and evacuation plans in every room is contrary to the requirements

of the BCA and applicable Australian Standards and the recommendations of Fire Rescue NSW. This should be a recommendation not a requirement.

The BCA, the current Smoke Alarm legislation and the AS requires only a working smoke alarm to be located in each bedroom OR in an adjoining hallway to those bedrooms and at least one smoke detector on each level. This is also the recommendation of Fire Rescue NSW.

If the intent of this standard is to apply this to all newly constructed dwellings that are Class 1a or Class 2 then an amendment to both the BCA and the relevant Australian Standards and Legislation will need to be applied.

If the intent of this standard is to apply the above to any existing dwellings that are Class 1a or Class 2 then an amendment to both the BCA and the relevant Australian Standards and Smoke Alarm Legislation will need to be applied and extensive communication and media strategy will need to occur similar to what occurred with the introduction of Smoke Alarm Legislation. There will also need to be a reasonable non-enforcement period of at least 2 years similar to the Smoke Alarm legislation when it was introduced to allow property owners to budget for, find a suitable contractor and schedule works to be carried out.

Proposed industry led STRA register

In regard to the STHA Register I make the following comments:

It is disappointing that no small business platforms or a representative from local businesses were not invited to be a part of the Advisory Board to allow for a more inclusive document. I would imagine some of the points raised here would be strongly refuted or not accepted by the overseas owned platforms that currently sit on the Advisory Board and appear to be the only non Govt participants.

Regardless, I see advantages and disadvantages in an industry run register.

Advantages –

- It should allow for the register of premises used for STHA in NSW and thus create an opportunity to gather more reliable data on the value of the industry to the State and local economies, local community impacts (both positive and negative) and perhaps better regulation around fire safety, building code compliance and the ability to regulate the industry and its participants.
- It should allow for the owners or facilitators of the register to control information and gain access to STHA owner and address details. If this information was unrestricted and made available to all booking platforms and/or property management agencies it would allow for greater

competition in the industry and greater benefits to owners, guests and local communities through lower or no commissions and booking fees and the opportunity for smaller businesses offering an alternative to grow and compete with the overseas owned platforms.

- It should assist in exposing the amount of commissions being drained out of local economies if that information is included in the register and accurately reported to which it is believed Govts and taxation offices across the world struggle to get from the main overseas owned and managed companies at this time. This information if accurately reported would allow owners and guests to make a more informed and ethical decision about which platform or agency they may engage for services.
- The same point above may also apply to the amount of booking income being held in the overseas-owned companies trust accounts for periods of up to 12 months before a booking is commenced and used by those companies to build equity in their businesses. The opinion of the author here is that the booking income should be paid directly to the owner to support local economies and cut out the third party payments which although marketed as a safer option are just a marketing strategy to increase their short term income and equity.
- The accountability of the large operators/providers/platforms is an important consideration in this register to highlight their market share, detail info such as the property owner, property address, private email or phone number of each property owner they represent, the property owner's representative, agent or service provider, no. of stay days/yr anticipated, previous years data on no of stay days (available second yr onwards) and commissions paid for each booking. This last point is important because a number of the overseas owned platforms only provide a range in regard to commissions that will be paid (stating commissions are based on a complex algorithm???) which could be considered deceiving and confusing for the property owner and their guests. It would be of great benefit to the community and economy of NSW if zero commissions were enforced for Holiday Rental Platforms and agencies or a cap of 3% or a determined amount and part or all of that is used to fund the ongoing administration of the Register and the Fair Trading Commissioners role in the industry.
- This information should be available to any business, agency that lists or manages more than 50 properties in the industry. This will allow Govt to manage competition in the industry and ensure smaller or new businesses are not disadvantaged or blocked out of the industry. This will also allow a transparent record of the amount of properties in the industry, the commissions being paid to Australian vs overseas owned businesses, which in turn will provide the ATO with accurate data for their purposes.

Disadvantages –

- If the register and the information controlled within the register is restricted by, for example, the overseas owned platforms that currently

dominate the market, then their ability to further increase their market share by requiring smaller platforms to disclose their databases and market to those properties could further jeopardise competition and locally owned small businesses in NSW. It would be interesting to see if the overseas owned companies would be as forthcoming or supportive of a register if it were to be run by a smaller Australian owned business or independent party that allowed greater access to information to all platforms.

- The influence that a large overseas-owned business may have over Govt with the information on the register. This may enable them to enter a partnership arrangement with the Govt of the day to support the overseas owned and managed company/s over the locally owned businesses that are attempting to gain some market share in the industry. This already occurs with an overseas owned platform reaching an arrangement with former Better Regulation Minister Keen with elderly people being encouraged to open their homes up to shared accommodation and the Govt giving them a \$100-?? payment for their participation of which the O/S owned company is one of the beneficiaries.
- Allowing the registrar if it was one of the overseas owned platforms to design a funding method for development and control of the register seems like a convenient way for them to extract more money out of local platforms/owners and agents.

Recommendations/Options –

1. The Govt allocate resources and funding to develop the register and its design and intent and then use a local business to administer, manage and report as required on information to Fair Trading and the Govt. This would ensure the Govt controls the process not the industry or more likely one of the overseas owned platforms that sit on the Advisory Board.
2. We would consider working with State and Local Govt's to build and manage a model that has a greater potential to be a fair and equitable system for all. From experience in the industry I understand that HRIA have been trying unsuccessfully to get a recognized and industry accepted paid membership system off the ground for many years but various issues around any advantages of paying a membership fee, value for money and alleged internal Board issues around self interests has restricted their ability to be successful in this regard in my opinion.
3. An alternative option is not to pay a registration fee based on industry participation or number of properties you own or manage because this can be and would be manipulated to reduce costs by the larger platforms or agencies involved in property management and most likely be passed onto all through increased commissions or fees more than likely with an additional administration fee.

4. Instead I believe that if the Govt would allow owners of properties to register their properties for free in the first 12 months and then pay a small annual fee as part of their re- registration process, this would possibly be a better solution. This would also instill confidence and trust in the participants, increase engagement and compliance, provide more accountability, capture the intent of the property owner for tax purposes and allows local councils to know the concentration and locations of HRA properties in their local areas. Anyone that does not register in the first 12 months would be subject to the annual fee + any retrospective fees if they are found to have been operating outside of this policy after the commencement date of same.
5. Another alternative instead of the above owner pays system is to have part of any commissions/fees paid to a booking platform, agency or representative be used to fund the ongoing administration of the Register and the Fair Trading Commissioners role in the industry. It would be important that this alternative would need to come with a caveat that commission or fee charging platforms or agencies could not pass that fee onto the owner or guest. This would also be subject to one of my desires for the industry to become 'Commission Free'.
6. The accountability of the large operators/providers/platforms is an important consideration in this register to highlight their market share, detail info such as the property owner, property address, private email or phone number of each property owner they represent, the property owner's representative, agent or service provider, no. of stay days/yr anticipated, previous years data on no of stay days (available second yr onwards) and commissions paid for each booking. This last point is important because a number of the overseas owned platforms only provide a range in regard to commissions that will be paid (stating commissions are based on a complex algorithm???) which could be considered deceiving and confusing for the property owner and their guests.
7. The information in the Register should be available to any business, agency that lists or manages more than 50 properties in the industry. This will allow Govt to manage competition in the industry and ensure smaller or new businesses are not disadvantaged or blocked out of the industry. This will also allow a transparent record of the amount of properties in the industry, the commissions being paid to Australian vs overseas owned businesses, which in turn will provide the ATO and other International Taxation systems with accurate data for their purposes.
8. From an owners perspective the Register could be used to provide the owner with a level of comfort that they are not acting in a 'Black Market' as is the case in some overseas cities. If the information sort or any standards or policies that are implemented are considered unreasonable such as the fire safety standards being considered that are well beyond current legislated and BCA standards then the Govt risks a large level of non compliance and an industry that will operate in the same manner as cities or regions such as New York and Barcelona. On the positive side the Register could be used to provide education through information on the industry and how to ensure individual property owner and agency small

businesses grow (if that is how they are operating) and how to attract new and a diverse community of guests.

Closing -

Any legislation, policy, standard or Register must be seen by all parties to be benefiting the owners and guests. Where there is any over legislation or additional requirements in regard to Safety standards that is not applied to all residential and hotel/motel accommodation then it will be perceived as discriminatory. It is also critical that the NSW Govt starts to support the local businesses and operators in this industry and stop the perceived bias towards the overseas operators just because they are big players in the industry.

The best outcome for NSW local communities and economies would be if the Govt enforced a zero commissions/fees on any booking income received or paid by an owner or guest and each owner pays a small registration fee and provides the info required. As the industry evolves there are many ways that the industry is getting an income to grow and sustain their businesses. One such example that Airbnb employ is working with local businesses in communities to provide local experiences for travellers. This no doubt benefits Airbnb and the appeal of using their platform but more importantly it supports the local economy through the guest experience and derived income. It is understood Airbnb would generate an income from this strategy and if commissions were no longer able to be charged to a host or guest for the accommodation part of the industry then it would force all platforms, but in particular those that are based and have been built on a commissions based income to explore other options around income generation. The idea of supporting NSW and Australian small business through industry innovation is something the Govt should embrace.

Finally, if 'No Commissions' is something the Govt would not support or it is not in their interest to support local communities with zero commissions and I am not sure why that would be the case, then a cap of 3% with part or all of that being used to fund the ongoing administration of the Register and the Fair Trading Commissioners role in the industry should be considered. Interestingly, the large overseas-owned platforms used to charge this type of commission just a few years ago compared to the 9-25% commissions they are now charging and they were able to grow exponentially over the preceding years with those smaller commissions.

Thank you again for the opportunity to provide feedback.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 12 September 2019 1:00 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Meroo Meadow 2540

Submission

Thank you for the opportunity to comment on the Government's proposed regulations in relation to Short Term Rental Accommodation (STRA).

This category of accommodation is central to the economic prosperity of regional areas across the South Coast of New South Wales and continues to grow, supporting dispersal of domestic and international visitors. As property owners engaged in STRA activity in the Shoalhaven area we understand the need for a consistent planning framework and would like to ensure this does not have an unintended detrimental impact to conducting an STRA business or the contribution of the STRA economy.

We specifically provide comments on the following:

STRA State Environmental Planning Policy

We oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

We oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

Limiting the number of guests allowed in a bedroom

We do not support this measure in its current form. This proposal is particularly problematic for people with close supervision needs, for example babies who sleep in cots, very young children who still sleep with their parents and people with special needs.

Owners of dwellings where the design and layout can comfortably and safely accommodate additional guests using common spaces should not be unnecessarily restricted by a standard that does not cater for the complexity and variance of useable space in dwellings.

The standard needs to provide owners with the ability to maximise these assets, provided occupancy does not impose on the broader community or create discernible risks for users. Amending the recommended occupancy standard to include the ability to accommodate up to two persons in a common space would provide a more reasonable occupancy standard that is typically reflective of common, well established practice in the STRA economy.

Additional measures such as the installation of a smoke alarm in any common spaces use to accommodate guests could negate the perceived adverse risks associated with this type of occupancy.

STRA Property Register

We oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekends only – and a data sharing framework.

Code of Conduct

We support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. We ask that the Government amend the Code to allow hosts such as ourselves to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, we want to ensure that the result is the development of fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems which will be to the detriment of the STRA economy and lead to economic and tourist decline in important regional areas like the Shoalhaven.

Thank you for the opportunity to comment.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Sunday, 1 September 2019 5:34 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Milsons Point 2061

Submission

I submit on behalf of Milsons point Point Progress association

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 30 August 2019 11:47 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Milsons Point NSW 2061

Submission

I write as Chair of the Strata Committee of a block of 124 units in Milsons Point.

We support the view that if 75% of the Owners Corporation votes against STRA then that building should be totally unavailable for Short Term Rentals. No exceptions!!!

It seems incongruous that a few non- resident Owners who may want to rent out their units on a short term basis expect that while they make a profit from their enterprise, the other Owners, especially those who are resident are subject to the disturbances of noise, bad behaviour, damage to common property etc.

The OC will be expected to upgrade their fire and safety standards, increase their insurances to meet the standards set out by the State Govt or Council to legalise STRA with an increase in levies to accomodate costs of additional security etc. There is no way we can monitor if the host is present or not especially in situations where the unit is owned by non- English speaking owners or Corporations.

One of the main concerns that OC's have is the the use of STRA by tenants who sublet the unit irrespective of being told not to by the owner and the leasing agent.

Short term renters are not expected to have any understanding of how the bylaws in a building work and the etiquette of strata living and in secure buildings we now will have to contend with total strangers coming in with access to our mailboxes, parcel deliveries etc. smug in the knowledge that they will be gone in 2 or 3 days and cannot be traced if they commit identity or physical theft.

In short, STRA SHOULD NOT be available in multi storied apartment blocks but only to individual householders, unless the apartment block is zoned for such use or the majority of Owners ie greater than 75% vote for it.

I am writing to object to the amendment relating to the framework of the Short Term Residential Accommodation.

I live in a high rise residential building. We have very good security, a concierge service, pool, spa, sauna and gym.

A number of years ago we had a serious problem with owners letting out their apartments as serviced apartments. There were noise issues, damage to common property, abuse of our concierge services and disrespect of our pool and gym. As a result we passed a by-law stating the minimum lease was to be three months. We no longer have any problems.

The Owners have already made their feelings known by passing this by-law. I believe that if a residential building wants to permit Air BnB then they should have to pass a by-law to allow.

[REDACTED]

[REDACTED]

[REDACTED]

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 27 August 2019 2:39 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
MILSONS POINT 2061

Submission

Dear Review Committee,

I note with interest the section in the discussion papers which states "Clarification that strata schemes can adopt a by-law that prohibits STRA where a lot is not a host's principal place of residence. Any such by-law will need to be adopted by special resolution, with 75 per cent of votes supporting the proposal at a general meeting".

I would urge the committee to have this clause inserted within the final document.

It is incongruous, to say the least, that a strata body would not be allowed to have a by-law prohibiting STRAs.

In our particular situation, we live in an apartment block of 20, where there is a strong sense of community. There is great concern that if this apartment block could not determine its own destiny by prohibiting STRAs, then security and a regard for by-laws pertaining to amenities would be a great risk of being ignored or abused.

By reading the discussion paper, there are so many proposed clauses pertaining to such abuse, then it already is assuming that this would be the case.

In summary, I want a clause within the final document that will allow a strata by law prohibiting STRAs.

Yours sincerely

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:25 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Miranda NSW 2228

Submission

As an Air BnB /Stayz owner for 4 years with five star reviews, I can only speak from my experience as an owner, and for many years as a renter from both platforms, and from the sensationalized news items about a few unruly tenants, unsuitable owners and their offerings.

I believe that all that is really required is a register of all available accommodation for statistical and planning purposes, and the corresponding income data across suburbs, shires, and states.

I believe that the 180 day or other limits are unworkable, as the gaps between rentals will not allow for any other form of rental and will therefore halve the availability of, and income from this type of accommodation. Because bookings are made well in advance, often it will be impossible to fill the interim periods without exceeding the 180 day limit or cancelling future bookings.

I believe that there are enough laws and police to control the unruly and unacceptable behavior of a few people.

My unit has been plagued for years by the undesirables attracted to one of the units which was bought to provide an address in our suburb for the owner's children to gain access to a desirable school. The drug dealing tenants who had a constant stream of 10 minute visitors were unruly, discarded rubbish around the unit, and one was eventually arrested for threatening to attack another tenant he had forced into her garage. Was a government enquiry set up, a costly register forced onto these people, and highly punitive measures put in place?

No because we already have laws that are supposed to protect us from these tenants, and poor hosts.

I believe the extra taxes paid from income through short term rentals should be used to assist in the development and ongoing costs of the register.

I believe I will not pay for any onerous costs that befall me as part of this legislation, and will fall back on annual rental, or sell my unit to maintain my and my wife's own retirement pension. At that time I will apply for the pension, and I'll pay no tax.

I believe that a larger percentage of tourists than what the government would like to imagine, will either not come, or stay for a much shorter time if they are faced with the often exorbitant rates charged by hotels and motels, and the remaining few short term rental offerings.

I believe that this whole exercise is a knee jerk reaction to a minor problem, driven by the media and the big end of town for their own ends.

I am a voter and will never vote for anyone who uses their influence and power to bully others who are running legitimate businesses at a profit, and providing a service to benefit the broader populace.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 2:49 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2300

Submission
Hello,

My sister and I run a boutique Air Bnb management business in Newcastle and Central Coast NSW. We manage Airbnb's on behalf of other as well as rent properties which we sub-let on Airbnb (with owner and strata permission).

Our comments relating to the proposed reforms are as follow:

1. Proposed safety requirements for STRA are overly onerous and will negatively impact our business. In particular inter-connected smoke alarms with automated hallway lights will be very costly and it is likely our current owners may reconsider STRA for their properties. For properties we rent and sub-let it is unlikely the owners will agree to cover this cost. Given that we do not own the properties, it would be a big investment and risk for our business to cover this cost since we are only on lease agreements. It is also a likely deterrent for owners considering getting into the STRA economy. This will negatively impact future prospects for our business and the viability of the STRA economy as a whole.
2. We do not agree with the reform that strata schemes can adopt a by-law that prohibits STRA where a lot is not a host's principal place of residence. Our business screens its STRA tenants and we have 5 star ratings. We are long term tenants for our property owners and keep our properties in excellent condition. The existing rental legislation is adequate to allow the owner to evict us should we be causing issues.
3. We do not agree with the 180 days limit, which is up to the discretion of the local Council to apply. Should the 180 day limit be applied, it is likely our business will no longer be viable.

STRA is a hugely valuable, growing and thriving industry. More than accommodation, it provides a boost to local business in our area, income for property owners, as well as provides self employment for businesses such as ours. Please consider a more measured approach than the restrictive reforms that are proposed.

Thank you for your time considering our submission.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 2:10 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2267

Submission
Submissions on Short-Term Rental Accommodation

I have lived happily in my home in a R2 low density residential area for 16 years. Unfortunately 9 months ago, the house next door to me sold and has been used by an investor, who does not live in the community, as an un-hosted short term rental. It has 5 bedrooms. All the neighbouring houses face Lake Macquarie and therefore have large outdoor entertaining areas to enjoy the view. The balcony between my house and the neighbouring house is 3 metres apart. I therefore feel that I am qualified to comment on the impact un-hosted short-term rentals have in a R2 low density residential area.

It is my view that all houses in R2 low density residential areas used for the purpose of a short-term rental need to have an on-site host. This is the only way to take the onus and responsibility of policing the property away from the affected neighbours. Preferably, STRA should be restricted to the primary place of residence to bring it back into line with the concept of “home sharing”.

Maximum Occupancy

The maximum occupancy of guests should be limited to 6 persons and no visitors in R2 low density residential areas. It needs to be remembered that these houses are in residential areas, not holiday resorts. A maximum occupancy of 12 guests and no restrictions on visitors, with a turnover every few days is not conducive to residential living and peaceful enjoyment of one’s home. Any more than 6 persons, by the very nature of the number of people will introduce noise and disruption to everyday residential living and introduce “party conditions”. In my experience it appears many holiday makers do not have the same consideration for either the neighbours or the neighbourhood that permanent residents have.

This limit could be increased on application in relation to homes in rural areas where the impact on neighbouring properties would not be so great.

Number of Days

I submit that 60 days should be the maximum number of days a property can be used for STRA. This is more than enough to cover holiday periods and enable home owners to rent out their homes while on holidays and travelling. There should be no exemption for longer periods of 21 days and each day should count towards the daily cap.

Exempt or Complying Development

Every STRA should be complying development. Properties should be independently inspected and certified for the following:-

1. That the appropriate fire and safety standards have been met;
2. That there is sufficient, adequate and accessible on-site parking to accommodate the guests;
3. Houses used as STRA must erect privacy screens and noise minimising structures to lessen the impact on neighbouring properties; and
4. That the property is registered.

Having lived next door to a house with a short steep driveway being used as STRA, I have noticed that visitors to the property prefer to park on the street. If my neighbouring property had a maximum occupancy of 10 (which it would if the maximum occupancy was enacted and enforced) this could possibly mean 5 cars parked on the street. (I attach a photo of what this actually looks like on my street).

As the STRA is being used as a holiday let it is important that the neighbours retain quiet enjoyment of their home. I have, and others I know, have experienced anxiety, stress, hypersensitivity and loss of sense of security by the constant flow of strangers to the STRA. Being a Torrens Title home, with gardens and outdoor areas, guests to the property are easily seen and heard. It is my submission, that the host should be required to minimise the impact the use of the property as a STRA has on neighbours. The property should be adequately fenced for privacy. Privacy screens installed in outdoor entertaining areas and also walls erected to minimise noise impact.

It is my submission that each STRA needs to be registered and the host given a licence number. Each Torrens Title STRA should have a sign erected outside the property stating the following:-

1. The registration number of the short-term rental;
2. A 24 hour contact number;
3. The maximum occupancy allowed on the premises at any one time. (It is my submission that if the maximum occupancy was 6 this requirement would not be necessary).

It is my submission that Torrens Title STRA affect more than just the neighbouring property. Un-hosted short-term rental houses impact many neighbouring houses not only houses directly bordering the subject premises. Indeed, neighbours further down the street have had cause to complain regarding short-term rental premises next door to me.

In undulating country, around gullies and valleys, especially in quiet residential areas, sound travels and disturbs people to a far greater extent than on flat country. Also, as many of the homes in my area are waterfront, sound travels over the water which again has a greater impact than on flat country. One only has to hear a dog barking down the street or across the gully to know it affects far more than just the “directly neighbouring premises”.

Exclusion Register

There appears to be little or no personal contact with hosts of un-hosted short term rentals. Access is usually by way of a lock box or a code on entry.

Therefore I fail to see how an exclusion register can be policed.

How, will the exclusion register be enforced if visitors are permitted onto the property?

The booking may be made in the name of the one person who is not on the exclusion register and the remaining guests may be all excluded. Even if every guest staying or visiting a short-term rental was registered as an occupant with official identification and checked against the register how would that be policed? How will underage guests be policed from not booking the premises? For example, schoolies.

Self-Regulation

It is a conflict of interest for the industry to self-regulate the short-term rental regulations. This has already been proven with the current failure of the Building Industry to self-regulate. The register should be administered and enforced by the respective Councils and State Government. This is like putting the foxes in charge of the hen house. Access to this register should be made available to the public without impacting on privacy laws.

There should also be a levy imposed on hosts to support the administration and costs of short-term rentals sufficient to cover the costs of the complaints process and registration.

Complaints System

It should not be for the neighbours to police the STRA. The only way this can be avoided and complaints minimised is to have an on-site host. The onus should not be placed on the neighbour to collect evidence, potentially place themselves in a dangerous situation and make a complaint because their home-life is being disturbed.

This should not be a State wide one-size fits all policy. Councils need to have more control over their LGA

and property owners living in residential areas, who have made probably the biggest investment of their lives need to be considered and protected. How will home owners who find themselves with a STRA next door or across the road be compensated?

There needs to be studies conducted into how these houses impact on the mental health of neighbours. My husband and myself have personally suffered from loss of peace and enjoyment, powerlessness, hypersensitivity, stress, anxiety, depression and symptoms of post-traumatic stress disorder. These are matters that impact on the health of communities and need to be considered in the Code of Conduct particularly in relation to Torrens Title un-hosted entire house short term rentals.

Thank you,

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 4:41 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Newcastle

Submission

Hi I am an owner of a property that is rented through a property manager and I would
Like to add my voice to the concerns raised about the impact of air bnb's in the Byron Shire. I for one am
feeling the financial impact of these arrangements to the point where my unit no longer seems a viable
option for us to maintain in Byron Bay.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 23 August 2019 8:31 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Newtown, NSW

Submission

I agree with my friend who said the following: "The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building "Strata Title Short-term Holiday Rental Units" (or similar). These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. They should not be located in the midst of residential areas. Purchasers of these Units would be primarily investors. However Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by holiday-makers leasing other Units in the building. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the good faith belief that they would remain Zoned residential. Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights and life style of other owners and long-term tenants by leasing their Units to complete strangers who just want to create havoc whilst on holiday. If not all Units in a building are rented short-term then other owners who reside in their Units are disadvantaged financially and life-style wise. This is because additional and accelerated wear and tear and damage to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in a building means that many financial institutions will not lend on any Unit in that building at all. The reason is that they are much too risky to lend on as financial institutions cannot be guaranteed to recoup the amount of their loan if the mortgagor defaults. If one Unit sells at a bad price there is a roll-on effect to other Units in that building. So developers cannot sell these Units in the first place. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally already located within or beside commercial centres which is another factor that favours this type of re-zoning."

I agree to the above statement
Yes

11/09/19

Submission regarding proposed changes to legislation outlined in the Government papers:

Short Term Rental Accommodation Businesses operating in residentially zoned areas.

Please note that this edited attachment should have been sent with our previous correspondence to yourselves on 10/9/19, instead of the unedited attachment with identifying information. We would be grateful if you would delete this previous submission from your files.

Dear Sir / Madam,

enclosed please find just a very small sample of extracts of correspondence between ourselves and relevant bodies on this matter.

We would also like to point out the unfair exclusion of the Central Coast Region from the *Greater Sydney Commission* panel's definition of the Greater Sydney Region. This is in direct contrast to **every** government department's classification of the Central Coast region. Note it also seems that every non-government body, excluding the Greater Sydney Commission, also includes the Central Coast Region in the Greater Sydney Region. This has obvious ramifications for the residents of the Central Coast area regarding your proposed changes to the relevant legislation.

The liveability of our residential areas will be destroyed around these unsupervised STRA businesses and to say otherwise shows a complete lack of actual understanding of the issues, which obviously arises out of not having to live next door to one. The proposed measures to cope with the destruction of our neighbourhood lifestyles will be easily circumvented by hosts / guests and does not take into account, amongst other things, the conflicts of interest between host and guests with regard to bond / review etc.

We would appreciate your time in reading our submission.

Kind regards,

Encl.

Ms Emma McBride MP

Suite 204, Level 2 Mariners Centre of Excellence

1 Bryant Drive

Tuggerah, NSW, 2259

Dear Ms McBride,

further to our previous correspondence to yourself in regards to Short Term Accommodation (STA) style business practices, we wish to update you on developments regarding the use of these practices by people with dwellings situated in residentially zoned areas.

We have engaged in conversations with operators of these businesses in order to understand their reasoning behind their choice of business practice. Besides the usual quoting of the current legality of their practice, a common reason given is that it does not differ from renting out the premises to long term tenants. That both are pseudo commercial operations within the confines of a residentially zoned area.

What these operators fail or refuse to realise is that the distinction between traditional (regulated) types of businesses and theirs, is that people staying at their establishments are unknown and unregulated guests. This stands in stark contrast to residents, be they rate paying owner occupiers or tenants of the owners, living (not holidaying) at the premises, or holidaying guests with suitable control / regulation, as in traditional B&B.

The patrons of these STA sites are more often than not holidaying with complete disregard for the surrounding residents, as well as conducting themselves in a manner where they are fully aware that there is little or no accountability for their behaviour.

As you may be aware from our previous correspondence, neighbouring properties at xxx Soldiers Point Drive and xx Bungary Rd. Norah Head and apparently soon to be xx Bungary Rd. are STA properties. We reside at x View St. and lease out our next door rental property, xxx, to long term tenants. It is of note that the tenants are a family with three primary school aged children who have been there approximately 5 years and we sincerely hope for the long term future.

With reference to this particular situation, problems have already arisen in that the rear balcony of the residence at one of the STA sites, xx Soldiers Point Drive, whilst approved under Council's Residential Zoning Standards / Guidelines, is being continually used by the guests staying at the STA site. This balcony is situated directly over the rear yard and deck of the neighbouring property at xx Soldiers Point Drive, our tenanted property.

When this deck was being used by our neighbours and their friends, there was no feeling of having your privacy invaded, but when used by uncontrolled / unregulated strangers (strangers to us, our neighbours, as well as to the neighbouring STA host), for extended periods of time and even brief moments, sometimes intoxicated sometimes not, the feelings of our tenants and their children is one that you could well imagine. It is also of note that our tenants have been finding cigarette butts flicked into their backyard, as the STA stipulates it is a non-smoking establishment, with the result that guests lean over the balcony side and smoke and then dispose of their rubbish accordingly.

The noise/language is also what you would expect from holiday makers with no vested interest in maintaining the amenity of the local area.

With regards to living / owning next door and neighbouring to a STA site and after numerous days and late nights with loud and sometimes offensive partying at both STA sites during the Christmas / New Year period, we were told by the owner of xx Soldiers Point Drive, that police are the people responsible for dealing with any complaints. We had tried on a few occasions to phone the owner of the STA at xx Soldiers Point Drive, with the intention that a quick phone call by the owner to their guests would not only result in the cessation of any anti-social activities, but circumvent the need for police to waste time on this issue. On these occasions we were told to call the police about the issue. It was only in later conversations that the STA host informed us that she had no way of contacting the guests once they had entered her property. We were unaware of this at the time and immediately apologised for the misunderstanding.

The above lack of communication between host and guest reinforces the issue that STA hosts have little to no control over their guests or their guest's friends and that the business model dissuades both guests and host from giving bad reviews because of bond and patron feedback issues.

Lack of control of guests, friends of guests and uninvited guests by not only the presiding governing body / enforcement agency, but also by the owners themselves, as well as the lack of accountability of the STA users, is illustrated as follows.

Note the following two instances are just two from a long list of disturbances that did not either warrant Police or our own intervention, because they either discontinued after short periods of time and were infrequent and or were of a nature that if Police were called, the disturbance / offence may have subsided by the time Police arrived. NOTE IN EITHER CASE THE INCIDENTS STILL OCCURRED AND CAUSED A DISTURBANCE.

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These are the types of people with whom we now share our backyards and lives.

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The costs, both social and financial, caused by the operation of these business is being borne by the surrounding community, not the operators themselves.

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We have not even started to inform you of the many small inconveniences to our lives, caused as a direct result of these STA's. Things such as finding large garbage bin bags of rubbish being deposited amongst the trees on our nature strip from departing guests etc..

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Summary of just one letter to Council

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It is of paramount importance that an on-site resident to be included in any business model, as anything less will mean that neighbours will end up policing the guests at all times of the day / night. i.e. ringing the operator, who may be only 5 mins away, still means that neighbours have to put up with the disruption for an undetermined period of time before they then contact the operator (if possible) and then wait for the operator to respond on site. This is already after it has either woken them or disrupted their lives in other forms.

Note that these business models must only be ones that include, but not limited to: On site resident occupancy during the letting period, licenced business model (that may be revoked or suspended by relevant authorities) and a determined letting period not to exceed a certain number of days per calendar year, eg. 30 days. Anything more constitutes a full commercial venture in a residential area.

18/8/18

Messrs Anthony Roberts MP and Matt Kean MP

Dear Ministers,

we write with reference to your response to Mr David Harris’s MP correspondence to yourself on our behalf, regarding the change in our quality of life resulting from living next door to a STHL.

We thank you for your assurances that if WE the neighbours are to try to regulate and control the behaviour of the STHL operator business clients, that a code of conduct will be enforced if serious breaches of same occur. Please note that we are unsure as to how you think it reasonable for neighbours to supply the “labour”, as well as pay a lifestyle price for the business being run by the STHL operator.

Ministers, would you please clarify what constitutes a serious breach of the Code. Besides the “usual” parties and holiday mode of guests etc. taking place at all hours, does it include frequent late

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Ministers, in relation to strata bodies etc. and to your regulation that there be a minimum of 75% of owners favouring or not STHL in their building for the owners corporations to act, would you please give consideration to amending your planning change and include a requirement for a similar majority of permanent residents in a local community having their voice heard.

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With quite a few holiday homes in the immediate area, it only takes one STHL operating to affect the lives of the neighbouring residents, as is the case with this particular STHL. The village atmosphere of Norah Head will be jeopardised.

Note that in this letter we haven't even addressed the anxiety issues created by not knowing when the next disruption to our lives will take place. This, according to yourselves, will apparently be addressed by the limit, anywhere between 180 and 365 days a year at any time for entire house letting, being imposed on operators???

Is it really just a bit of extra “pocket money” for mums and dads, if these houses are being let for more than say 2 weeks per year? We think not.

We again state our dismay at the destruction of the residential zoning being carried out by the STHL practise and call on you to reconsider your stance on this issue. It is definitely not a “Win Win” situation for permanent residents.

Regards,

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 8:22 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Norah Head 2263

Submission

Dear Sir / Madam, our submission is based upon living next door to a STRA from late 2017. Numerous phone calls, emails etc. to the relevant authorities / governing bodies has resulted in Central Coast Council's appreciation of the destruction to our lifestyles and the ensuing refusal of the submitted DA.

We note that proposed legislation changes define the Central Coast Region as outside the Greater Sydney Region. For exactly the same reasons as put forward by the regions that applied for inclusion in the Greater Sydney Region, we can see no reason why Central Coast Region should not also be included.

In effect, what we are saying is that the Central Coast Council has a better handle on the local issues surrounding complying and non complying STRA businesses. Complaints by residents identify the hosts of STRA's that are operating with scant regard for their neighbours / community, which is then acted upon by the local Council. It would seem illogical to hamstring Council in trying to reign in these rogue operators.

The minimum 180 day limit for complying developments is just one example. We note hosts of complying STRA's by definition of the word "complying" cause little or no damage to the local amenity / economy.

Our attached document contains a very brief snapshot of our lives under the cloud of STRA's. We would appreciate your time in reading our attachment.

I agree to the above statement

Yes

Submission regarding proposed changes to legislation outlined in the Government papers:

Short Term Rental Accommodation Businesses operating in Residentially zoned areas.

Dear Sir / Madam,

enclosed please find just a very small sample of extracts of correspondence between ourselves and relevant bodies on this matter.

We would also like to point out the unfair exclusion of the Central Coast Region from the *Greater Sydney Commission* panel's definition of the Greater Sydney Region. This is in direct contrast to **every** government department's classification of the Central Coast region. Note it also seems that every non-government body, excluding the Greater Sydney Commission, also includes the Central Coast Region in the Greater Sydney Region. This has obvious ramifications for the residents of the Central Coast area regarding your proposed changes to the relevant legislation.

The liveability of our residential areas will be destroyed around these unsupervised STRA businesses and to say otherwise shows a complete lack of actual understanding of the issues, which obviously arises out of not having to live next door to one. The proposed measures to cope with the destruction of our neighbourhood lifestyles will be easily circumvented by hosts / guests and does not take into account, amongst other things, the conflicts of interest between host and guests with regard to bond / review etc.

We would appreciate your time in reading our submission.

Kind regards,

Encl.

Ms Emma McBride MP

Suite 204, Level 2 Mariners Centre of Excellence

1 Bryant Drive

Tuggerah, NSW, 2259

Dear Ms McBride,

further to our previous correspondence to yourself in regards to Short Term Accommodation (STA) style business practices, we wish to update you on developments regarding the use of these practices by people with dwellings situated in residentially zoned areas.

We have engaged in conversations with operators of these businesses in order to understand their reasoning behind their choice of business practice. Besides the usual quoting of the current legality of their practice, a common reason given is that it does not differ from renting out the premises to long term tenants. That both are pseudo commercial operations within the confines of a residentially zoned area.

What these operators fail or refuse to realise is that the distinction between traditional (regulated) types of businesses and theirs, is that people staying at their establishments are unknown and unregulated guests. This stands in stark contrast to residents, be they rate paying owner occupiers or tenants of the owners, living (not holidaying) at the premises, or holidaying guests with suitable control / regulation, as in traditional B&B.

The patrons of these STA sites are more often than not holidaying with complete disregard for the surrounding residents, as well as conducting themselves in a manner where they are fully aware that there is little or no accountability for their behaviour.

As you may be aware from our previous correspondence, neighbouring properties at 18 Soldiers Point Drive and 53 Bungary Rd. Norah Head and apparently soon to be 51 Bungary Rd. are STA properties. We reside at 1 View St. and lease out our next door rental property, 20 Soldiers Point Drive, to long term tenants. It is of note that the tenants are a family with three primary school aged children who have been there approximately 5 years and we sincerely hope for the long term future.

With reference to this particular situation, problems have already arisen in that the rear balcony of the residence at one of the STA sites, 18 Soldiers Point Drive, whilst approved under Council's Residential Zoning Standards / Guidelines, is being continually used by the guests staying at the STA site. This balcony is situated directly over the rear yard and deck of the neighbouring property at 20 Soldiers Point Drive, our tenanted property.

When this deck was being used by our neighbours and their friends, there was no feeling of having your privacy invaded, but when used by uncontrolled / unregulated strangers (strangers to us, our neighbours, as well as to the neighbouring STA host), for extended periods of time and even brief moments, sometimes intoxicated sometimes not, the feelings of our tenants and their children is one that you could well imagine. It is also of note that our tenants have been finding cigarette butts flicked into their backyard, as the STA stipulates it is a non-smoking establishment, with the result that guests lean over the balcony side and smoke and then dispose of their rubbish accordingly.

The noise/language is also what you would expect from holiday makers with no vested interest in maintaining the amenity of the local area.

With regards to living / owning next door and neighbouring to a STA site and after numerous days and late nights with loud and sometimes offensive partying at both STA sites during the Christmas / New Year period, we were told by the owner of 18 Soldiers Point Drive, that police are the people responsible for dealing with any complaints. We had tried on a few occasions to phone the owner of the STA at 18 Soldiers Point Drive, with the intention that a quick phone call by the owner to their guests would not only result in the cessation of any anti-social activities, but circumvent the need for police to waste time on this issue. On these occasions we were told to call the police about the issue. It was only in later conversations that the STA host informed us that she had no way of contacting the guests once they had entered her property. We were unaware of this at the time and immediately apologised for the misunderstanding.

The above lack of communication between host and guest reinforces the issue that STA hosts have little to no control over their guests or their guest's friends and that the business model dissuades both guests and host from giving bad reviews because of bond and patron feedback issues.

Lack of control of guests, friends of guests and uninvited guests by not only the presiding governing body / enforcement agency, but also by the owners themselves, as well as the lack of accountability of the STA users, is illustrated as follows.

Note the following two instances are just two from a long list of disturbances that did not either warrant Police or our own intervention, because they either discontinued after short periods of time and were infrequent and or were of a nature that if Police were called, the disturbance / offence may have subsided by the time Police arrived. NOTE IN EITHER CASE THE INCIDENTS STILL OCCURRED AND CAUSED A DISTURBANCE.

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1 View St., Norah Head. Ph: 4396 2812

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Regards,

11/09/19

Submission regarding proposed changes to legislation outlined in the Government papers:

Short Term Rental Accommodation Businesses operating in residentially zoned areas.

Please note that this edited attachment should have been sent with our previous correspondence to yourselves on 10/9/19, instead of the unedited attachment with identifying information. We would be grateful if you would delete this previous submission from your files.

Dear Sir / Madam,

enclosed please find just a very small sample of extracts of correspondence between ourselves and relevant bodies on this matter.

We would also like to point out the unfair exclusion of the Central Coast Region from the *Greater Sydney Commission* panel's definition of the Greater Sydney Region. This is in direct contrast to **every** government department's classification of the Central Coast region. Note it also seems that every non-government body, excluding the Greater Sydney Commission, also includes the Central Coast Region in the Greater Sydney Region. This has obvious ramifications for the residents of the Central Coast area regarding your proposed changes to the relevant legislation.

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As you may be aware from our previous correspondence, neighbouring properties at xxx Soldiers Point Drive and xx Bungary Rd. Norah Head and apparently soon to be xx Bungary Rd. are STA properties. We reside at x View St. and lease out our next door rental property, xxx, to long term tenants. It is of note that the tenants are a family with three primary school aged children who have been there approximately 5 years and we sincerely hope for the long term future.

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When this deck was being used by our neighbours and their friends, there was no feeling of having your privacy invaded, but when used by uncontrolled / unregulated strangers (strangers to us, our neighbours, as well as to the neighbouring STA host), for extended periods of time and even brief moments, sometimes intoxicated sometimes not, the feelings of our tenants and their children is one that you could well imagine. It is also of note that our tenants have been finding cigarette butts flicked into their backyard, as the STA stipulates it is a non-smoking establishment, with the result that guests lean over the balcony side and smoke and then dispose of their rubbish accordingly.

The noise/language is also what you would expect from holiday makers with no vested interest in maintaining the amenity of the local area.

With regards to living / owning next door and neighbouring to a STA site and after numerous days and late nights with loud and sometimes offensive partying at both STA sites during the Christmas / New Year period, we were told by the owner of xx Soldiers Point Drive, that police are the people responsible for dealing with any complaints. We had tried on a few occasions to phone the owner of the STA at xx Soldiers Point Drive, with the intention that a quick phone call by the owner to their guests would not only result in the cessation of any anti-social activities, but circumvent the need for police to waste time on this issue. On these occasions we were told to call the police about the issue. It was only in later conversations that the STA host informed us that she had no way of contacting the guests once they had entered her property. We were unaware of this at the time and immediately apologised for the misunderstanding.

The above lack of communication between host and guest reinforces the issue that STA hosts have little to no control over their guests or their guest's friends and that the business model dissuades both guests and host from giving bad reviews because of bond and patron feedback issues.

Lack of control of guests, friends of guests and uninvited guests by not only the presiding governing body / enforcement agency, but also by the owners themselves, as well as the lack of accountability of the STA users, is illustrated as follows.

Note the following two instances are just two from a long list of disturbances that did not either warrant Police or our own intervention, because they either discontinued after short periods of time and were infrequent and or were of a nature that if Police were called, the disturbance / offence may have subsided by the time Police arrived. NOTE IN EITHER CASE THE INCIDENTS STILL OCCURRED AND CAUSED A DISTURBANCE.

12/1/18 call to Toukley Police at 10.30pm, after waiting half an hour after curfew for guests to vacate the outside rear elevated deck area of xx Soldiers Point Drive. Explained to Police that we were trying to sleep.

No response by police at site, so rang again at 12.30am and was told by a police officer that officers were busy and he apologised for the delay. I then asked it was OK to approach the guests myself, to which the police officer said that if we feel comfortable in going over to ask them to move inside, then that would be OK. I told them that I would do so to end the matter.

Explained to STA guests that their voices and continual animated conversations were stopping us getting to sleep. They moved inside and we were able to get to sleep straight away.

Note it is apparently part of this business model for residents in the neighbouring properties to police the behaviour of STA guests.

Next day our tenanted property at xx Soldiers Pt Dve was vandalised with paint stripper. Police Incident Report No. E66590526.

The incident report contains relevant information, such as the occupants of the departing last guest's car continuing to sound the horn until our tenants went out to the front of their house and noticed the occupants of the departing car pointing and laughing at the front wall of our tenant's house. It had been doused with paint stripper or similar in the earlier hours of the morning. Police

were unable to follow up as they had no number plate details of the car involved and they could not follow up with the STA web based company without eyewitnesses or similar.

These are the types of people with whom we now share our backyards and lives.

It is of note that we were also informed by the irate host of the STA, that Police had attended the STA site at 2.30am that morning, following a call and that police had apologised to the guests of same for waking them, as they were apparently in bed.

The costs, both social and financial, caused by the operation of these business is being borne by the surrounding community, not the operators themselves.

We have asked repeatedly of the owner operators to consider renting out their properties in either a traditional B&B format or long term leasing format, pointing out that either way will ensure more accountability by patrons of the businesses.

One of the operators even stated that they did not want to share their house with complete strangers, hence they would not be entertaining a traditional style Bed and Breakfast, yet it seems perfectly alright that we the neighbours share our private lives with the uncontrolled and unregulated guests.

We have not even started to inform you of the many small inconveniences to our lives, caused as a direct result of these STA's. Things such as finding large garbage bin bags of rubbish being deposited amongst the trees on our nature strip from departing guests etc..

We can only apologise to you for asking you to be involved in this sorry state of affairs, but it seems we have no other course for redress in this issue but to involve your office.

With that in mind, we sincerely appreciate your time and effort in this matter.

Kind regards,

Hi Fiona,
just forwarding some points that you may deem pertinent to your forthcoming decision.

* The very first night of this new business practice, 18/11/17, guests were "partying hard" in the pool at 1.20 am and we were unable to contact the owner / operator.

* Some guests behave in the knowledge that they will not be held accountable for their actions. This creates anxiety issues for neighbours, relating to the fact that we do not know if the current guests are going to respect the neighbourhood. "When will the next anti-social event occur? Who, or what type of person is looking into our back-yards at any given time?" and so on.

This has been our experience to this day of living next to an unlicensed, unregulated, unsupervised business operating in an established residential area, where people have bought their homes in good faith.

- * No on site control of guests, *or guests of guests!*

- *Guests continually out on decks, in backyards late at night and early morning.

- * Residential homes not set up for continually hosting groups of people on commercial basis re: Privacy, Noise, Rubbish etc.

- *Garbage bin bags full of fast food scraps etc. being left on our nature strip by departing guests and cigarette butts being thrown into neighbouring backyards.

- *Opportunistic crime occurring in relation to criminal damage to neighbouring properties.

- *Constant holiday mode / parties, large and small gatherings, constant use of swimming pool etc.

- *Constant turnover of strangers invading privacy of our backyards both acoustically and visually.

- *Left to neighbours to try and control guests and guests of guests. Disrespectful behaviour , offensive /loud music and or noise, swearing etc..

- *Contact with guests may result in being sworn at or subject later recriminations.

- *Having to call Police, as instructed by owner/operators of these businesses, thus wasting Police time and resources on what should not be allowed to happen in the first place.

Note: Police are called as a last resort, as neighbours try and control this anti-social behaviour themselves by directly communicating with the guests. This sometimes incurs abuse from drunken and / or obnoxious guests.

- * Short term monetary gain by certain property owners who only have their own vested interests at heart.

- * Disrupting every single surrounding resident of these two houses.

We note other Councils are currently implementing regulations / guidelines to stop these negative impacts on the local and wider community.

- The following is an extract from Wyong Council's own regulations / plans governing existing accommodation practices:

Council recognises the importance of ensuring that people visiting the region have a range of accommodation options, while preserving the environment and residential amenity for local residents. It is recognised that it is the existing amenity and character which attracts both residents and visitors to the Wyong area. Therefore, preservation and enhancement of the existing environment is of paramount importance.

Kind regards,

Summary of just one letter to Council

Local Zoning, land use etc to remain unchanged.

*Exempt development re STA to remain unchanged, as this will allow the “mum and dads” to create a bit of “extra” income when needed, as well as provide STA for the area.

*Guidelines / regulations regarding exempt / non-exempt development for STA to remain unchanged. This currently protects the mum and dad operators and also gives a mechanism to neighbours and the wider community to deal with recalcitrant operators who cause undue disruption to their neighbours and the wider community. (More than two complaints etc. starts a DA process). These operators must then find other Council approved forms of accommodation business models through which to trade, as these operators have shown themselves to be either incapable or unwilling to run their business in a fashion that shows respect for the surrounding neighbourhood / community.

It is of paramount importance that an on-site resident to be included in any business model, as anything less will mean that neighbours will end up policing the guests at all times of the day / night. i.e. ringing the operator, who may be only 5 mins away, still means that neighbours have to put up with the disruption for an undetermined period of time before they then contact the operator (if possible) and then wait for the operator to respond on site. This is already after it has either woken them or disrupted their lives in other forms.

Note that these business models must only be ones that include, but not limited to: On site resident occupancy during the letting period, licenced business model (that may be revoked or suspended by relevant authorities) and a determined letting period not to exceed a certain number of days per calendar year, eg. 30 days. Anything more constitutes a full commercial venture in a residential area.

18/8/18

Messrs Anthony Roberts MP and Matt Kean MP

Dear Ministers,

we write with reference to your response to Mr David Harris’s MP correspondence to yourself on our behalf, regarding the change in our quality of life resulting from living next door to a STHL.

We thank you for your assurances that if WE the neighbours are to try to regulate and control the behaviour of the STHL operator business clients, that a code of conduct will be enforced if serious breaches of same occur. Please note that we are unsure as to how you think it reasonable for neighbours to supply the “labour”, as well as pay a lifestyle price for the business being run by the STHL operator.

Ministers, would you please clarify what constitutes a serious breach of the Code. Besides the “usual” parties and holiday mode of guests etc. taking place at all hours, does it include frequent late

night / early morning “low key” social gatherings on outside decks / in back yards, resulting in nearby neighbours inevitably being woken from their sleep? Does it include the constant invasion of privacy in our back yards by a continual stream of strangers. Need we go on and explain other disruptions? If you are interested in a list, we can provide excerpts from the many written complaints to local authorities since late 2017.

In regard to your comment in response to STHLs operating at the expense of the local amenity, we would like to draw your attention to our current long term tenant, a family of five with 3 young children, serving notice of termination of our joint rental agreement. They informed us that it is as a direct result of living next door to a STHL. As you can see it is now at our expense financially! We have been advised that we have little or no legal recourse to recover damages for income lost from this property if no crime has been committed in relation to this situation. It also doesn't give us much hope of retaining future long term tenants / residents. Note that our residential home is next to our tenanted residential property, which in turn is next to a STHL.

Ministers, in relation to strata bodies etc. and to your regulation that there be a minimum of 75% of owners favouring or not STHL in their building for the owners corporations to act, would you please give consideration to amending your planning change and include a requirement for a similar majority of permanent residents in a local community having their voice heard.

We would like to take this opportunity to inform you that a petition against a change to the current Local Council LEP favouring approval for STHL, forwarded to Council in response to a DA seeking a change to the current LEP and hence approval for the STHL, was overwhelmingly supported by the community. Of the approximate 240 permanent residents approached, only 3 residents declined to sign the petition. Note that one of these residents is directly associated with the DA.

With quite a few holiday homes in the immediate area, it only takes one STHL operating to affect the lives of the neighbouring residents, as is the case with this particular STHL. The village atmosphere of Norah Head will be jeopardised.

Note that in this letter we haven't even addressed the anxiety issues created by not knowing when the next disruption to our lives will take place. This, according to yourselves, will apparently be addressed by the limit, anywhere between 180 and 365 days a year at any time for entire house letting, being imposed on operators???

Is it really just a bit of extra “pocket money” for mums and dads, if these houses are being let for more than say 2 weeks per year? We think not.

We again state our dismay at the destruction of the residential zoning being carried out by the STHL practise and call on you to reconsider your stance on this issue. It is definitely not a “Win Win” situation for permanent residents.

Regards,

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 10:51 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Norah Head 2263

Submission

Dear Sir / Madam, our submission is based upon living next door to a STRA from late 2017. Numerous phone calls, emails etc. to the relevant authorities / governing bodies has resulted in Central Coast Council's appreciation of the destruction to our lifestyles and the ensuing disapproval of the submitted DA.

We note that proposed legislation changes define the Central Coast Region as outside the Greater Sydney Region. For exactly the same reasons as put forward by the regions that applied for inclusion in the Greater Sydney Region, we can see no reason why Central Coast Region should not also be included.

In effect, what we are saying is that the Central Coast Council has a better handle on the local issues surrounding complying and non complying STRA businesses. Complaints by residents identify the hosts of STRA's that are operating with scant regard for their neighbours / community, which is then acted upon by the local Council. It would seem illogical to hamstring Council in trying to reign in these rogue operators.

The minimum 180 day limit for complying developments is just one example. We note hosts of complying STRA's by definition of the word "complying" cause little or no damage to the local amenity / economy.

Our attached document contains a very brief snapshot of our lives under the cloud of STRA's. We would appreciate your time in reading our attachment.

With regard to the proposed legislation allowing STRA operation by absent owner / principal tenants for a min of 180 days to a maximum of 365 days, we submit that this will turn residential areas into virtual unsupervised caravan parks. There will be nothing to stop hosts from taking year round holidays, indeed living permanently elsewhere (even overseas), and nominating their "principal" residence for use as the source of income for same. All of this expense to be paid by the neighbouring property residents, as well as the surrounding community.

It is of note that the use of "in house" data is used as a reason for the ongoing use of STRA in residential areas. The data supplied by the STRA industry and participants relating to estimates of effect on economy etc., has been shown to be false by actual independent data sources. We recognise that anomalies will exist in both arguments. What cannot be disputed is the adverse impact on residential neighbourhoods around the world. The destructive nature of this selfish business model on communities lies at the core of the reasoning that STRA is being banned or severely limited throughout the world.

Thank you

I agree to the above statement

Yes

Sent:

Wednesday, 11 September 2019 2:15 PM

To:

DPE PS STHL Mailbox

Subject:

Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because it helps to pay the mortgage on our investment property which is also our retirement plan. I also really enjoy being a host, and sharing our property, on the pristine Colo river, with people who may not normally spend much time in the bush.

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of

consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

Thank you for reading my submission.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:40 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Submission

Att: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000
10/9/2019

Dear Minister

Written in privacy - do not publish my name, email address or contact details please

I am writing this submission on behalf of my company who manages approx 150 furnished apartments and houses in Sydney City, Northern, Eastern and Inner West suburbs.

Our guests are predominantly corporate clients staying 6-8 weeks in duration with a small proportion - 25% being tourist guests staying 1-2 weeks.

My company has operated for 20 years, yes pre Airbnb and Stayz!. I employ 9 full time staff and a number of contractors for example the cleaners, maintenance people etc.

We have very few complaints and when a problem arises we act quickly. Our telephone is answered during the week and over the weekend 24/7. If a guest has a problem, we can solve it quickly. If there is a building issue we can also act quickly. Building managers and Strata managers have our afterhour's mobile number as do the guests. When making a booking all guests should provide a 100 point ID check before we put them into the property. Many of our bookings come from leading Australian companies that have employees visiting Sydney on a work project for a short period of time or until they find their permanent residence. Often they do not know how long they will be staying, so a premium in the rental rate is paid for this flexibility. Other bookings come from Insurance companies (for example a house fire), people renovating their homes, relocation companies, or a local family who needs a place for visiting family to stay nearby. A smaller proportion is the tourist market coming to stay in Sydney. We do not accept bookings less 5 nights duration.

My company adheres to the current STL code of conduct.

My concern with the new legislation is the amount of red tape being placed on the property owner and invariably the company managing it for them, thus restricting the owner's ability to obtain the best rental returns possible.

A few points:-

I do not agree with the day caps, I think it will be almost impossible to monitor and track, however if you have them, then I fully support not including stays of 21 nights or more.

I feel that hosted and unhosted properties should be treated the same.

I feel that unhosted properties being managed by a professional company adhering to all regulations and the code of conduct are better for the industry. I am seeing privately hosted properties damage the industry where the individual property owner does not understand nor adhere to the code of conduct. They leave the country on holiday and their guest is left floundering on their own with questions and may not know the building regulations etc. A professional registered property manager should be a point of contact available for all STR's. Individual property owners also do not understand the rental rates and therefore offer their properties at a lower rate, thus damaging the industry for Hotels, Serviced apartments and professionally managed STR's. For the first time in 20 years I am starting to see a rate war.

Individual property owners and managing agencies should be treated differently with adhering to the strike system. 2 strikes should be against the property listing and not the host.

The proposed STR Property register is currently too onerous. It should be a compulsory and simple registration for all properties on an STR platform or via an industry led body to manage the compulsory registration of all STR's – hosted or unhosted. This perhaps could be funded by a bed tax.

I disagree with the wired smoke alarms, fire doors etc. A property should have the same requirements as for a residential property, however an evacuation plan should be provided.

I agree with limiting the number of persons.

I strongly agree with excluding stays of 21 nights or more.

I do not agree with providing more control to Strata managing agents.

I do not agree with the requirement for costly complying development permits. Tasmania has a good system.

I thought I would finish with some information about our diverse group of property owners.

One has his superannuation tied up in the apartment we rent our short term for him 365 days a year. Every month he is dependent on this income to live.

Others are hard working locals who have purchased an investment property and reliant on the best return achievable.

Some may be travelling for 6-8 weeks, so list their property to keep in maintained with a good quality guest whilst they are travelling. The extra income covers their property bills with a little left over.

We all work hard and care passionately about what we do. It is important for the guest to have a wonderful, comfortable stay in their temporary home whilst the property owner received higher rental returns than having their property unfurnished. We facilitate this.

Thank you for reading my submission.

Yours sincerely

I agree to the above statement

Yes

Sent:

To:

Subject:

Thursday, 5 September 2019 11:12 AM

DPE PS STHL Mailbox

Holiday rental regulations for NSW

Dear Minister, Short-term rental accommodation is an important driver of economic growth and job creation for the NSW tourism industry. As a result, regulation for our sector should avoid unnecessary burdens on our operations. As a responsible operator, I don't support the creation of a register of all holiday rental properties listed on a platform unless it is a very simple process and do strongly support the code of conduct. However, I oppose the night limits and use restrictions for our properties – restrictions of this kind will put an important holiday tradition at risk and deprive many holiday homeowners of income they have come to rely on. I have been renting out our holiday home in the blue mountains a high volume tourist area for over 15 years and to restrict days to 180 because it falls within the sydney metropolitan area is not fair as there is not sufficient hotel or motel accommodation to supply demand and will greatly reduce our income and tax i pay to the govt each year.

I do agree that if an owner is onsite they should be allowed to rent out their property 365 days a year and be exempt .

I disagree with limits put on houses in bushfire prone areas.

If owner is present on site the property should be exempt

If owner is not present in bal 40 or under areas then any house that has been previously approved for occupation should be allowed to rent out their property short term .

Sent from my Samsung Galaxy smartphone.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 23 August 2019 12:22 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

[REDACTED]

Submitted on Fri, 23/08/2019 - 12:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

Suburb/Town & Postcode

Eastwood

Submission

The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building, "Strata Title Short-term Holiday Rental Units" (or similar). These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. They should not be located in the midst of residential areas. Purchasers of these Units would be primarily investors. However

Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by holiday-makers leasing other Units in the building. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the good faith belief that they would remain zoned residential. Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights and life-style of other owners and long-term tenants by leasing their Units to complete strangers who just want to create havoc whilst on holiday. If not all Units in a building are rented short-term then other owners who reside in their Units are disadvantaged financially and life-style wise. This is because additional and accelerated wear and tear and damage to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in a building means that many financial institutions will not lend on any Unit in that building at all. The reason is that they are much too risky to lend on as financial institutions cannot be guaranteed to recoup the amount of their loan if the mortgagor defaults. If one Unit sells at a bad price there is a roll-on effect to other Units in that building. So developers cannot sell these Units in the first place. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally already located within or beside commercial centres which is another factor that favours this type of re-zoning.

I agree to the above statement

Yes

Att: Director, Housing and Infrastructure Policy

NSW Department of Planning, Industry and Environment

GPO BOX 39

Sydney NSW 2000

10/9/2019

Dear Minister

Written in privacy

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A few points:-

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I feel that hosted and unhosted properties should be treated the same.

I feel that unhosted properties being managed by a professional company adhering to all regulations and the code of conduct are better for the industry. I am seeing privately hosted properties damage the industry where the individual property owner does not understand nor adhere to the code of conduct. They leave the country on holiday and their guest is left floundering on their own with questions and may not know the building regulations etc. A professional registered property manager should be a point of contact available for all STR's. Individual property owners also do not understand the rental rates and therefore offer their properties at a lower rate, thus damaging the industry for Hotels, Serviced apartments and professionally managed STR's. For the first time in 20 years I am starting to see a rate war.

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I agree with limiting the number of persons.

I strongly agree with excluding stays of 21 nights or more.

I do not agree with providing more control to Strata managing agents.

I do not agree with the requirement for costly complying development permits. Tasmania has a good system.

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We all work hard and care passionately about what we do. It is important for the guest to have a wonderful, comfortable stay in their temporary home whilst the property owner received higher rental returns than having their property unfurnished. We facilitate this.

Thank you for reading my submission.

Yours sincerely

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 3:42 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Ocean Shores

Submission

I am strongly opposed to the proposed policy and regulations, primarily because it takes control away from local residents and their elected representatives. I want to see restrictions on short-term holiday letting so that the villages in Byron Shire do not become overwhelmed with holiday letting. The situation is already bad and will get even worse under the proposed policy and regulations.

A cap of 180 days per year for holiday letting when the host is not present is far too generous. Byron Shire needs a much lower cap: even the 90 days that the shire has been promised is too high. Byron Shire Council needs to be the body determining how much is too much and needs to have the authority to change the cap as needed, depending on the effects the short-term letting has on residents in the shire.

Another issue is that under this proposed policy, hosts can rent their properties for 21 consecutive days as often as they want because 21 days or more will not count towards the limit. What a loophole! That provision means whatever cap is put in place can effectively be ignored.

The industry-managed register is also a very bad idea. Local councils should keep the registers of short-term holiday lettings. Elected officials are the ones who need to monitor the activity for the good of the community.

Cities and towns around the world are instituting rigorous LOCAL controls on short-term holiday letting because the activity is destroying communities. NSW should be in the forefront of controlling this activity, not encouraging even more of it as the proposed policy and regulations will do.

I strongly object to the proposed policy and regulations!

I agree to the above statement
Yes

To the Department of Planning, Industry & Environment (DPIE),

Please consider this letter as a submission in response to the proposed regulatory changes and supporting guides/codes put forward for regulating short-term holiday letting (and short-term rental accommodation more generally).

It is well known that the push to regulate short-term holiday letting mostly arises from the phenomenon that is “home sharing” platforms, such as AirBNB and Stayz, and the negative impacts these activities can have on a locality and local residents. From my understanding, these forms of accommodation are to be mostly regulated through the planning framework. Given the vast economic and social impacts that these types of accommodation arrangements may have on a locality and local residents, the proposed planning changes therefore need to be robust enough to accommodate the full range of negative impacts that short-term rental accommodation may generate.

In my opinion, the proposed changes exhibited in the October 2018 consultation round and the current August/September 2019 consultation round are not robust enough, and it is likely that ongoing negative impacts will occur to localities/local residents, and that’s even before accounting for the likely amount of non-compliance that will go unchecked, due to limited local council resources and staffing. My submission is split into two parts, and begins on the following page.

I trust that my submission will be considered. Thank you for the opportunity to provide further comment on the proposed changes associated with regulating short-term rental accommodation uses.

Name withheld – Town Planner

PART I – Questions and comments from October 2018 consultation round

My original submission in the October 2018 round is duplicated in Part I of my submission, with some further clarifying comments. My original submission in Part I below is coloured in black font, with new clarifying comments added in red font. I am disappointed that it does not appear that many of my views were considered or even acknowledged in the August/September 2019 round of consultation.

Preface

1. Short-term holiday letting (STHL) of entire dwellings/houses/units by property investors is a significant issue for localities and local residents.

2. The initial spirit of “home sharing” platforms has been absorbed by remote property investors buying houses/units and leasing out the entire dwelling back-to-back on said platforms. This form of letting generates significantly more income than a traditional rental arrangement (e.g. a house/unit for \$200 per night, as opposed to \$300 per week).

3. Property investors who move from renting out entire dwellings on a long-term basis to a STHL basis essentially contribute to upwards pressure on the local housing rental market, which negatively impacts on people trying to live/work in a locality (see, for example, *Hobart housing crisis: Australian and international ‘fixes’ up for discussion* (March 14, 2018) by Ellen Coulter of ABC News). The amount of STHL options go up, but displaced renters cannot exactly be swapped into traditional hotel/visitor accommodation to offset that effect. – More research has since become available on the topic of affordable housing shortages and links to short-term holiday letting arrangements: https://www.ahuri.edu.au/__data/assets/pdf_file/0022/28615/AHURI-Final-Report-305-Technological-disruption-in-private-housing-the-case-of-airbnb.pdf . Key recommendations from the October 2018 AHURI research paper include:

Despite these impacts, current regulatory proposals in NSW and Victoria take a very permissive approach to regulating STL, compared to cities overseas. The research findings suggest four ways to strengthen regulatory responses to STL:

- the inclusion of a registration system for STL listings, to facilitate enforcement*
- additional localised strategies to limit STL and ensure adequate affordable rental supply in areas of intense STL use*
- the integration of measures to limit commercial-style STL within a broad-ranging, integrated housing policy, which reflects the changing nature of housing markets and the complex drivers behind these shifts*
- the development of an ongoing research agenda into STL across our cities and regional areas and its impact on housing and urban planning outcomes, supported by access to detailed, up-to-date data.*

My own points below (7 and 9) expound upon the viewpoint that the dot point recommendations above have been largely ignored with the proposed implementation of the STRA regulatory framework.

4. It could be argued that "the market" will settle the issue in the long run because too many STHL options will dampen their prices, making it less attractive to a property investor to keep a house/unit for STHL. But if that did happen, it would still take years for the inflated rental prices to settle, leaving (particularly low-middle income earners) in insecure rental housing in the interim, and potentially spiking rates of homelessness. Or, seeing as many AirBNB/Stayz type rentals are in sought after inner city or scenic areas, it pushes local residents further out to suburbs or ex urbs on the fringe and leaves a high turnover of tourists/holidaymakers in inner city and scenic areas. Having a concentration of a particular demographic (of any demographic characteristic) is never a good outcome, particularly for providing neighbourhoods with character, infrastructure, and amenity. Mixed household neighbourhoods ensure a variety of infrastructure is provided (roads, buses, footpaths), a variety of casual surveillance opportunities are available to the

neighbourhood to prevent crime (shift work, weekend workers, at home workers, stay at home mums), and a variety of dwelling heights, floor areas, and lot sizes occur which result in visually interesting streetscapes (among other things).

5. Furthermore, displaced local renters cannot turn to buying a house as a viable option, because the operation of STHL keeps house/unit purchasing prices high as property investors are attracted to purchasing places for these operations. Again, "the market" may settle this in the long term, but it is a fairly bleak outcome in the short-medium term. – Speculative purchasing by property investors is a key issue, as property investors at present are generally not motivated to offer up properties on the traditional rental market due to fiscal policies such as negative gearing which acts as a cushion to underperforming "investments". This situation is exacerbated by perceptions from property investors that NSW tenancy laws are "too friendly" to tenants – which is a misconception, based on the fear of reprisals that tenants live with when reporting maintenance issues (<https://www.domain.com.au/news/many-nsw-tenants-stressed-about-being-evicted-survey-finds-809186/> and <https://www.abc.net.au/news/2018-03-04/rental-blacklist-tenancy-database-should-i-be-worried/9505712>).

One effective way of tackling the issue of speculative purchasing would be to de-commodify housing and land. This would start with removing tax breaks associated with negative gearing, which would serve to stimulate the need to "use or lose (sell) it" when it comes to owning land or housing. This would definitely need to be run alongside more education about NSW tenancy laws and how the system is not actually skewed in favour of tenants.

At the moment, however, what we have are tax policies that essentially accommodate property investors' unwillingness to engage in the traditional, long-term rental market **as well as** very vast exemptions proposed for short-term holiday letting processes. The negatively synergistic result of these two regulatory functions are likely to further divert property investors away from supplying housing stock to the traditional, longer-term rental market.

6. It could be argued that home sharing platforms are also being used as an alternative to the traditional rental market; these platforms could be used by genuine renters who have poor credit or rental history that locks them out of the traditional rental market. Some home sharing platforms do seem to accommodate a small share of the extended stay hotel market for the housing-precarious, however, entire houses/units used for STHL also detract from the long-term rental market stock for local residents (see point no. 4). So, STHL may provide more accessible accommodation options for the marginal homeless whilst simultaneously adding to the marginal homeless rate.

7. With regards to regional NSW, there is a shift in literature and policy, highlighting how regional cities need to be considered as viable alternatives for settling people outside of the capital cities and metro areas. The literature also suggests that the perception of regional cities as 'second rate cities' needs to be destroyed in order to make regional living more attractive (See Chapter 4 of *Regions at the Ready: Investing in Australia's Future* (June, 2018) by the Commonwealth Select Committee of Regional Development Decentralisation). The NSW PIA conference held in September 2018 had a strong focus on building up the capacity of regional towns and cities to ensure they can compete as viable settlement options for city-folk and new Australians. The recently released *Urban Design for Regional NSW Draft Guide* is another example of shifting the focus from Sydney and metro-centric planning provisions to NSW as a whole. Arguably, Sydney and metro-centric State Environmental Planning Policies (SEPPs) undermine this narrative. The way that the proposed changes to the Codes SEPP are written acknowledge the challenges of STHL in Sydney and metro areas, whilst challenges to regional LGAs are only an afterthought. This is not long-term strategic, holistic thinking when it comes to the importance of regional cities and towns in NSW.

8. Further to point no. 7, it is not clear how the changes are proposed to interact with other changes/additions to environmental planning instruments (EPIs), such as the Inland Code, and Draft Rural Development and Primary Production SEPP.

9. To summarise, property investors who abuse the intent of home sharing platforms artificially inflate property prices of certain areas and push out traditional renters/residents, in a similar fashion to gentrification. This dynamic occurs or is likely to occur, whether or not the locality is Sydney, metro areas, or regional NSW. In all the proposed SEPP and EPI changes that DPE has put forward to date, there is very little cohesion or direct admission as to how changes are proposed to interact with other EPI and SEPP changes on the table. The holistic approach would be to cast an eye over all the changes, anticipate how they will interact/conflict, and make notes of this in the EIE or discussion paper that accompanies proposed changes. – Further again to this point, Councils must implement a Local Housing Strategy for their local government area. The results of the strategy need to be reflected in the Local Strategic Planning Statement, Local Environmental Plans (LEP) for land zoning and development standards, and then filter down to specific performance and design controls in Development Control Plans. How can the results of a Local Housing Strategy be meaningfully adopted for local government areas, where trends contributing to dwindling rental housing stock have been sealed up within the Codes SEPP? Although the consultation process for the regulatory framework states that Councils should opt-in **now** to a reduced day-per-year cap for short-term rental accommodation exemptions, this is not feasible in most circumstances until research associated with a Local Housing Strategy has been undertaken. In addition to this, the State has set a cap on the cap (so to speak), meaning that no matter the results of a Local Housing Strategy and the findings of localised impacts of short-term rental accommodation arrangements on housing stock, Councils cannot have day-per-year caps below 180 days. In combating loss of housing to the short-term market, 180 days is a tokenistic measure at best.

Summary of proposed changes (Table 2 of EIE)

Other comments are made against Table 2 of the EIE, by addition of a fifth column:

Topic	EPI	Proposed change	Intention	My comments
Definition	SI Order – Now to be included in Codes SEPP only? If the definition is to be included, it should be contained in the Standard Instrument Dictionary, along with other land-use definitions.	Add a definition for 'short-term rental accommodation'. Add a note under the tourist and visitor accommodation definition that it does not include 'short-term rental accommodation'.	To provide greater certainty and clarity for councils, industry and community and to distinguish between STRA and traditional accommodation uses.	Why do we need a new definition, and insertion of provisions into the Codes SEPP anyway? Would a release of a planning circular by DPE recommending that STHL be dealt with under the existing definition of "serviced apartment", be more prudent? Why is STRA not considered a subcategory of "tourist and visitor accommodation?" What is the rationale for using the term "short-term rental accommodation" as opposed to "short-term holiday letting"? It appears that the proposed wording of the definition (p. 9 of EIE) will capture all types of short-term rentals, such as DIDO/FIFO workers, and other itinerant workers. As these types of rentals are not tourist or holiday based, but are for workers in the locality, it is perhaps inappropriate

Topic	EPI	Proposed change	Intention	My comments
				to capture these types of rentals in the one definition – seeing as the main motivation for the proposed changes are to regulate STHL (Part 1.1 of EIE). Arguably, itinerant workers contribute to the local working economy and can be perceived as local workers/residents. This is in contrast to holiday/tourist rentals, where tourists/holidaymakers cannot be classed as local residents/workers. – Moreover, the addition of the definition will make defunct the definition of “bed and breakfast accommodation” in the Standard Instrument, and potentially make obsolete the application of the definition “serviced apartment”. The scope of these potential regulatory impacts are not known or touched on.
Permissibility	SI Order	Make it clear that STRA will be permissible in zones in which dwellings are permissible. – Noted that it appears the Codes SEPP “general requirements for exempt development” now excludes some types of dwellings/accommodation types, however, it still appears that secondary dwellings are able to be operated as exempt STRAs – see comments later in this table.	To provide land use permissibility for STRA.	<p>What of rural and environmental protection zones, where currently the only types of additional accommodation permissible are required to be those types of accommodation that are subservient to the main agricultural/environmental use of the land? For example, ‘farm stay accommodation’ and ‘ecotourist facilities’ that are permissible in some E zones essentially preserve the integrity of the land by ensuring that accommodation options support the viability of agricultural/environmental services. A Codes SEPP change which will override Local Environmental Plan (LEP) provisions, allowing STRA wherever ‘dwellings’ are permissible, will undermine:</p> <ul style="list-style-type: none"> - the purpose of other definitions (e.g. farm stay accommodation, eco-tourist facility), and - local planning for protection of agriculturally viable land and environmentally sensitive areas. <p>This directly goes against the intent of the NSW Department of Primary Industries’ Right To Farm Policy (December, 2015), whereby more land use conflict is likely to be generated.</p>

Topic	EPI	Proposed change	Intention	My comments
				The EIE does not make it clear how significant rural challenges will be addressed (e.g. on-site wastewater management, unsealed roads and traffic safety).
Exempt Development	Codes SEPP	Add 'short-term rental accommodation' including development standards required.	To enable the temporary use of dwellings as STRA for visitors based on certain criteria.	Not enough information to comment. Will the STRA use of a dwelling be capped to a certain proportion of dwelling floor area? Will whole dwellings be able to be leased as STRA? Will secondary dwellings, the golden child of the Affordable Rental Housing SEPP, able to be converted to STRA? If so, how do we justify the undermining of affordable housing options for local residents in favour of STRA? – It does not appear that floor area caps are proposed. It is also clear that secondary dwellings are specifically able to be used as exempt STRAs. I implore the Department to alter the definition of "short-term rental accommodation" to at least exclude secondary dwellings that were erected or had their permissibility propped up by the application of the Affordable Rental Housing SEPP, so as to preserve those affordable, smaller dwellings in the local housing market.
Exempt Development	Codes SEPP	Include a provision that STRA is permitted as exempt development year round (365 days) where the host is present onsite overnight.	To enable STRA in this circumstance , recognising the lower impact of activity.	Disagree with use of the phrase "host is present on site". A host could feasibly be any sort of subcontracted residence manager, as appointed by a property investor, to stay on-site in a caretaker's room/residence. With regard to my prefacing statements, this part would be more robust in addressing social and environmental concerns if "host" were replaced with "owner-occupier". "Host is present on site" will still allow for property investors to rent out entire houses/units, as long as some other entity is elected as the "host". Narrowing the definition to "owner-occupier" ensures that the intent of the home sharing nature of many platforms is preserved, and that STRA is an additional source of income for owner-occupiers. This is similar to the capital gains tax principle – you do not pay CGT if the house you have sold was your primary place of residence. "Owner-occupier" as opposed to "host" preserves the principle that owner-

Topic	EPI	Proposed change	Intention	My comments
				occupiers and genuine home-sharers are able to value-add to their primary place of residence, and their asset, instead of a property investor operating with a subcontracted “host”. This is particularly important where it is proposed to make STRA exempt for 365 days of the year. – Note the clarifying definitions of non-hosted and hosted short term rental accommodation in the Codes SEPP changes. I still do not agree that non-hosted STRAs should be exempt for up to 180 days as this is tokenistic and does not halt the drive to convert traditional rentals to STRAs.
Exempt Development	Codes SEPP	<p>Include a provision that, if the host is not present, STRA is permitted in a dwelling on land that is not bushfire prone as exempt development:</p> <ul style="list-style-type: none"> - year round (365 days), if the property is outside Greater Sydney - for no more than 180 days per year, if the property is in Greater Sydney. – Noted that some regional Councils have been included in the latter cap. 	To define the maximum period for dwellings to be used for STRA in a calendar year, when the host is not present.	<p>Pursuant to my prefacing comments, this part contradicts the growing literature that posits regional cities as viable settling options. The view that essentially back-to-back, entire house/unit short term holiday letting is exempt for regional areas (and regional cities) as it has ‘low-impact’ is ignorant of the burgeoning challenges to rental affordability and resident amenity in regional cities and towns. In particular, places like Orange are experiencing strong and steady median house prices whilst the Sydney median falls. Regional cities are well-known to be ‘sponge cities’ in that they are constantly absorbing population from nearby rural towns, villages, and, increasingly, Sydney and metro areas (see <i>Research Report 122: Regional – Spatial trends in Australian population growth and movement</i> (2011) by Australian Bureau of Infrastructure, Transport and Regional Economics). Therefore, whilst the pressure of Airbnb and Stayz currently has more magnitude in Sydney and metro areas, regional towns and cities are more vulnerable to future pressures associated with home sharing platforms. It would be sound strategic, long-term, holistic planning if these challenges were acknowledged in the current framework rather than delayed for a future local Council to grapple with in the long process of preparing a Planning Proposal to amend their LEPs. – I stand by this and reiterate my comments in relation to the need to</p>

Topic	EPI	Proposed change	Intention	My comments
				prepare and implement meaningful Local Housing Strategies (p. 3-4).
Exempt Development	Codes SEPP	Include a provision that allows councils outside Greater Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days to no lower than 180 days, if they wish.	To recognise local differences and communities' needs in regional NSW.	Further to my comments in the above cell, the default in the Codes SEPP for all LGAs should be 180 days, and regional LGAs can opt out of the default if they so wish. This standard benchmark would align with the ongoing narrative of regional cities and towns needing to be perceived more seriously as equals to capital cities and metro areas. Regional cities such as Orange, Armidale, Wagga Wagga, Tamworth, and Albury (Evocities) are all facing rental pressures and are not immune to the proliferation of STHL absorbing the traditional rental housing stock. Furthermore, given the limited scope of industry and employment generators in regional NSW, it would be irresponsible to leave regional hospitality sectors vulnerable to unfettered STHL. – Refer my comments in red on p. 3-4.
Exempt Development	Codes SEPP	Include minimum fire safety and evacuation requirements for individual premises used for STRA.	To ensure the safety of visitors using STRA.	No comment. – See my comments under Part II of this submission.
Complying Development	Codes SEPP	Include a provision that, if the host is not present and the property is on bushfire prone land (<BAL29) STRA is permitted in a dwelling as complying development: - year round (365 days), if the property is outside Greater Sydney - for no more than 180 days per year, if the property is in Greater Sydney.	To recognise local differences and communities' needs in regional and metropolitan NSW. To ensure safety on bushfire prone land.	No further comments, see cells above.
Complying Development	Codes SEPP	Include a provision that allows councils outside Greater	To recognise local differences and communities'	No further comments, see cells above.

Topic	EPI	Proposed change	Intention	My comments
		Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days down to no less than 180 days, if they wish.	needs in regional NSW.	
Complying Development	Codes SEPP	Include minimum fire safety and evacuation requirements for individual premises used for STRA.	To ensure the safety of visitors using STRA.	No comment. – See my comments under Part II of this submission.

PART II – Questions and comments arising from August/September 2019 consultation round

As I have made it clear during the October 2018 consultation round, I do not agree in principle with the palming off of short-term holiday rentals as ‘exempt development’ in most cases throughout NSW.

It is not clear in the current consultation round how my views so far have been taken into account in the making of the proposed regulatory framework.

However, and as it is likely that my protestations will go unattended in the first Part of this submission, I am compelled to submit comments specifically relating to the proposed regulatory framework put forward in the August/September 2019 consultation round.

The Discussion Paper (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/AA+Exhibitions+STRA/Discussion+Paper+-+STRA+Regulatory+Framework.pdf) does not make it clear how community views were taken into account from the October 2018 consultation round. I also find it particularly concerning that the “Background” introduction section of the Discussion paper states:

The Short-term Rental Accommodation (STRA) industry was estimated to be worth \$31.3 billion nationally in 2016. NSW’s share equalled approximately 50% of that figure, with STRA creating jobs, benefiting the economy and providing income for property owners. At the same time, the NSW Government has also heard that STRA can cause problems for communities if not adequately managed.

The flippant sentence that “the NSW Government has also heard that STRA can cause problems for communities” is a dismissive shrug to those issues that NSW Government knows or is reasonably expected to know exist in relation to short-term holiday letting. The emphasis of this opening paragraph in the Discussion Paper on the economic benefit purportedly attributed to the “home-sharing economy” lacks nuance, particularly in relation to the skewed economic benefit that “home-sharing” mostly provides to speculative property investors rather than local economies. Refer to my earlier comments under the October 2018 consultation round.

The Fair Trading amendment regulation public consultation draft (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/AA+Exhibitions+STRA/Public+Consultation+Draft+-+Fair+Trading+Amendment+Code+of+Conduct+for+the+Shortterm+Rental+Accommodation+Industry+Regulation+2019.pdf) does not include any qualifying definitions for “short-term rental accommodation arrangement”, pursuant to s54A of the *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018 No 41*. Although the Amending Act has not yet commenced, it seems the intention is for “short-term rental accommodation arrangement” to be further defined in the amending regulation. The public consultation draft of the amending regulation, however, is silent on this matter.

I do not agree with separating fire safety requirements from the proposed **State Environmental Planning Policy (Short-term rental accommodation)** (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/AA+Exhibitions+STRA/Draft+STRA+SEPP.pdf). The exemptions (and complying development checklist) should make it clear that **The draft Short-term Rental Accommodation Fire Safety Standard** (https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/AA+Exhibitions+STRA/STRA+Fire+Safety+Standard.pdf) applies to all affected classes of buildings that are proposed to be used as short-term rental accommodation, whether or not the development is exempt development for the purposes of the SEPP. At the very least, the Codes SEPP exemptions and complying checklist should directly reference the Fire Safety Standard in the same way that the Fire Safety Standard is directly referenced in the proposed amendment to the EP&A Regulation. This will save confusion when consulting the exempt and complying code as a checklist. If it is not the intention to require exempt and complying development to meet the proposed Fire Safety Standard – particularly for non-hosted accommodation – then this is clearly in contravention of the objectives of the amending SEPP:

- (a) to support short-term rental accommodation as a home sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (b) to provide for the safety of users of short-term rental accommodation who may be less familiar with the dwelling,*
- (c) to clarify the types of housing that may be used for the purposes of short-term rental accommodation.*

As I have noted in Part I of my submission, I do not feel that the amendment SEPP objectives are met by the proposed exemption checklist with regard to (a).

The **Draft Code of Conduct** appears to be enforceable by both Councils and NSW FairWork. I am concerned, however, that compliance and enforcement will be mostly shifted to severely under-resourced local governments that are grappling with many instances of State government shifting workloads to local governments, particularly the enforcement of legislation that has been foisted upon local governments by State bodies. A recent example of this is the biodiversity reforms that place a lot of technical burden onto local government planners. Little support is available to local government planners, particularly those who do not have a biodiversity/ecological training background. The biodiversity regulatory framework is not really set up so as to ensure the State environment agency (formerly NSW OEH) has a role to play in confirming biodiversity requirements have been met for development assessment reports. The added uncertainty of external help from restructured State government departments does not bode well for local government planners.

Will a **Better Regulation Statement (BRS)** or **Regulatory Impact Statement (RIS)** be prepared, prior to regulatory changes coming into force? Will the opportunity exist for the public to view and comment on the BRS or RIS, prior to regulatory changes coming into force? In particular, I am interested in understanding how the regulatory framework as proposed could possibly be considered to meet the Better Regulation Principles, as cited on the NSW Finance, Services & Innovation website (<https://www.finance.nsw.gov.au/better-regulation/regulatory-impact-assessments>):

Better Regulation Principles

The principles should be applied when designing and developing regulatory proposals. This ensures that each proposal is required, reasonable and responsive to the economic, social, and environmental needs of business and the community.

- 1) The need for government action should be established*
- 2) The objective of government action should be clear*
- 3) The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options*
- 4) Government action should be effective and proportional*
- 5) Consultation with business and the community should inform regulatory development*
- 6) The simplification, repeal, reform or consolidation of existing regulation should be considered*
- 7) Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness*

As I have outlined in Part I of this submission, the introduction of yet another land-use definition into the planning framework without the repeal of defunct definitions (such as “bed and breakfast accommodation” in the Standard Instrument LEP) goes against the grain of promoting stream-lined and less convoluted planning legislation and when considering 6) above in the Better Regulation Principles list.

Elsewhere in Part I and II of this submission, I have indicated that 1), 2), 3), 4), and 5) above have not been adequately addressed in this regulatory framework put forward for regulating short-term holiday letting.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:11 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Orange 2800

Submission

The impact that Airbnb has on rental housing stocks cannot be under-estimated. It appears that the NSW Government is indeed under-estimating this impact, and codifying the continued negative impact that Airbnbs will have on future housing affordability throughout the state.

The proposed “cap” of 180 days for Sydney, and 386 days a year for regional areas has no regard to housing affordability impacts. Even if a 180 day cap was applied throughout the state of NSW, this would still allow a house to be rented out on Airbnb for an average of 3-4 days a week. This house would have otherwise been able to be floated on the local rental market.

In the spirit of Airbnb being a “home-sharing platform”, exemptions for Airbnbs should ONLY apply where the owner-occupier lives in the house and is renting out a room within the dwelling. Otherwise, whole-house listings on Airbnb should be capped at 104 days a year (2 days a week) for the entire state of NSW. This would ensure whole-house listings are generally “one-offs” associated with the owner-occupier perhaps going away on weekends and wanting to make a bit of cash for those days they are away from home.

The NSW Government has the ability, right now, to make a decision that will limit housing unaffordability and rental overcrowding. Otherwise these types of articles will unfortunately become more common, and hit closer to home, in the future <https://thenewdaily.com.au/money/property/2019/03/11/airbnb-rent-affordability/> .

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Orange 2800

Submission
Please see attached submission.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 9:12 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode

Paddington

Submission

I've recently lived in an apartment building where a neighbouring unit was used as an Airbnb. The noise and feeling of a lack of safety made living there extremely stressful, forcing me to leave.

It is not appropriate for any residential apartment building to be used as holiday accommodation. The provisions proposed will not protect residents' amenity, and result in unbearable stress for those affected.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 12:37 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2210

Submission

Please do not destroy the holiday home industry for Australians.

Holiday home accommodation is acutely unique in what it offers, and is extremely important for meeting the ranging needs of the community, and supports community and family wellbeing.

It offers 'affordable' and 'self contained' accommodation for large families, multiple families, generations of the same family, and social groups.

No other forms of accommodation offers this ability for families and friends to stay together, connecting people, which is proven to be important for social and mental health and general wellbeing.

Our holiday home is utilised by many people for these reasons. Many guests travel for sporting competitions, social and community events, as well as holidays, and enjoy accommodation where the whole family or group can stay together.

We oppose night limits and maximum per room restrictions.

These restrictions would mean we could no longer offer our home for holiday accommodation.

After 15 years being a holiday home, in order to maintain our livelihood, the property would be converted to a full time rental. We would not be the only ones forced to do this to pay the mortgage.

This would be tragic to the tourism industry as well as for the community service we provide.

Family holidays in a holiday home rental accommodation have created lifelong special cherished memories for many Australians like me and my family, for many generations.

I urge you to consider carefully the importance of holiday homes as a vital accommodation option to the community, and do not impose restrictions which would destroy this industry.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 5:05 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode

Picton

Submission

1. Code of Conduct is a self-regulating document, based on honesty and NCC matters not being addressed.
2. Disabled access requirement are not provided.
3. Car parking requirements are not provided. In absence of car parking provisions, any dwelling capable of accommodating up to 12 people can have an unacceptable impact on the availability of on-street car parking in any given locality.
4. Complying development requirements for 'hosted short-term rental accommodation' are not provided.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 12:47 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Point Piper

Submission

My opinion is based on over 20 years experience as an operator and manager of accommodation of residential strata apartments for short term letting and a traditional operator of Serviced apartment and hotel accommodation. I am also an owner of care-taking and management rights business's in NSW since 1998 to this present time.

My opinion is that all residential approved strata apartment buildings should NOT be permitted to have individual apartment owners let short term UNLESS 75% of the unit owners of the subject building approve short term letting. A vote in each building could take place annually or as desired.

I also believe if 75% of the owners of the strata building approve short term holiday letting then they can set yearly limits on occupancy , ie 180 or 365 days a year.

A strata building management plan can be created for each building giving some level of certainty to owners of how the building operates and self regulates.

I believe each approved building needs an onsite caretaker or at least a dedicated person to be on call 24/7 for issues that will arise.

I believe houses being let for short term should only be permitted to do so if the Neighbours within say 50 metres (more so in Rural Areas) of the premises boundary also consent to the short term letting of the subject house. If not this distance some mechanism should be in place to allow neighbours to have some level of say or consent which will provide some certainty when owning a property of how your neighbours uses their property.

Given the potential loss in Residential accommodation available for long term tenancy. All currently approved strata serviced apartments should automatically (without a DA) be permitted to be leased out long term or be occupied by the owner in addition to being available as serviced apartments. Currently serviced apartments are restricted from Residential or owner occupier use which is an injustice. To create a level playing rather than these operators seeking compensation allow this dispensation. For the last 2 years at least Illegal short term letting of residential property has occurred and seemingly permitted by councils causing irreparable damage to legitimate existing operators of serviced apartments and traditional hotels and B&B's These traditional operators should be compensated by allowing flexibility on their property and allowing dispensations also.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 2 September 2019 12:19 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Submission

I wish to withhold my name from the public but I am happy for my submission to be available to the Public

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 9:20 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode

Potts Point

Submission

I believe that the proposed new laws/regulations are excessively liberal by world standards and provide loopholes and freedoms which could be exploited by large industry players such as Airbnb, to the detriment of residential owners and long term tenants.

This is not "home sharing".

There should be lower day caps (e.g. 60 days) and a fully enforceable (on "hosts" and listing platforms) registration system.

We do not want to live in a quasi-hotel.

Short stay visitors do not care about existing by-laws.

The additional wear and tear on lifts, pools, saunas, gyms and other common property will result in owner occupiers and residential tenants subsidising listing operators and "hosts". The owners corporation should have the lawful ability to levy additional charges on "hosts" to cover these costs.

Security and fire safety affect all residents.

If this is "exempt development" how will local councils ensure that the proposed increased fire safety standards have been implemented and what control will the owners corporation have over this? Surely this has to be "complying development"?

There should be no change to the planning laws until the Register is fully implemented.

The Register should be government/council designed, controlled and policed ("industry-led" will lead to yet another debacle).

The Register can then be funded by revenue from the fines levied for inevitable non-compliance.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Sunday, 25 August 2019 10:19 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2009

Submission

180 cap will force good host to sell their property, will discourage real estate market

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:42 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Pymont 2009

Submission

A set of fundamental matters need to be in place to ensure safety, wellbeing and fairness in property lettings. They include the following.

1. No false addresses and false names of operators

Why:

- Host names are often false and addresses are deceptive, which prevents owners corporations from knowing where problems (actual or potential) are coming from and preventing owners from knowing that their tenants are subletting.
- This will also enable Councils to identify bed numbers that exceed development consents and the ATO to confirm that people are paying a fair tax on their income from commercial activities.

Evidence:

- In my building a listing on AirBnB named a so-called host who manages about 20 properties. We had to do multi-pronged research to identify who the actual owner was because the identity was falsified by use of these other two names. The apartment in question was the repeated source of cigarette butts, cigarette smoke and a safety risk to neighbours. Similarly a tenant in an apartment in our building was renting it out short-term and another nearby. The owner did not know until we identified it from other indicators and the real estate agent was alerted.
- An ad for a building near us has for several years advertised 10 beds in a three bed apartment in breach of the development consent.
- The drop in short term letting availability in places that have required addresses is widely attributed to this making tax avoidance much harder.

2. Fire prevention mechanisms as for hotels

Why:

- Guests are staying in an unfamiliar setting with safety settings that are only suitable for people who live there and know their way around.
- This is exacerbated by places that install a number of beds that exceeds development consents.

Risks of inaction:

- AirBnB has tried to label this 'overkill'. Does the Government want regulatory slackness to be the reason visitors to our state are literally killed?

3. An ability for owners corporations to enforce cost recovery

Why:

- Non-residents who are unsupervised damage common property and disturb residents, as they have no reason to get along with people and treat apartments as if they are a hotel.
- All owners pay the bill for this. It currently creates a situation of "privatise profit and socialise losses".
- This requires also an end to false addresses, as per point 1 above.

Evidence:

- My owners corporation had to drain our swimming pool after water contamination associated with a STHL and doors and corridors for an apartment that was being let short-term in our building required repainting

even after a brief period - both at significant cost to all owners.

4. A shorter cap and one that does not have any let-outs

Why:

- The 180 day cap was too weak already, as it allowed the well-known phenomenon of someone having two properties on the go as a commercial activity (point 3 above as an example). The additional let-out is outrageous. Not only does this mean in effect full-on commercial activity in a residential area, it also makes it impossible for those with an interest such as owners corporations from monitoring breaches.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:24 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Pymont NSW 2009

Submission

Submission on short-term rental accommodation reforms

I strongly object to, and have a wide range of concerns, in relation to the NSW Government's Proposal for Short Term Letting in NSW Residential Strata Schemes (August 2019).

My reasons are set out below.

The "Cap" and the 21-day Let exemption

A 180 day cap on un-hosted STRA in the Greater Sydney Area is NOT a cap at all. With occupancy levels (as for example monitored by AirDNA) of AirBnB accommodation generally sitting at around 40% to 50% there is simply no restriction or cap. 180 days means a dwelling can be rented out every single weekend – when the vast majority of rentals occur. To speak of a Cap in this context is contemptuous.

Notwithstanding the "Cap", the 21-day letting exemption is an entirely new category of un-hosted STRA introduced through the back door. It has major repercussions:

1. The loophole enables landlords and lessees to mix medium and short-term letting, thus allowing STRA becoming a full-time business model, driving residential tenancies out.
2. This mix gives the letting industry free access to ALL residential apartment buildings in all zones, and thus enables operators to by-pass NSW 'Serviced Apartment' rules.

The proposed rules make a farce of proper regulation and the protection of owner residents and long-term tenants.

Registration, compliance monitoring and providing STRA addresses

Registration and compliance monitoring is a public function, not one that should be set-up and controlled by the STRA industry.

Further, it should be open to all appropriate government agencies (E.g. the ATO), Local Council, and Fire and Rescue NSW. At all times, there must be 100% transparency on how many apartments are listed as STRA in every multiple-dwelling building.

The STRA industry claims that providing that information would violate the Privacy of the accommodation lessor. The STRA industry, and in particular industry-leader Airbnb deliberately allows lessors to list apartments in an opaque way, by not providing addresses of listings,

- allowing landlords to 'hide' the exact location and thus making detection hard, e.g. encouraging tax evasion
 - Making it easier for tenants to illegally sub-lease apartments without detection
 - Making it impossible for Strata Committees to monitor compliance with applicable laws and building rules
- Where else but in the "Shared Economy" is such an approach appropriate? Every other commercial accommodation provider makes addresses available, whether it be hotels, motels, B&Bs, hostels or any other legitimate short-term accommodation provider.

The unwillingness of industry players to force the disclosure of addresses has one, and only one purpose: To gain access to as many properties as possible, and to encourage and tempt as many individuals as possible to let apartments. No matter whether current Strata by-laws prohibit short-term rentals, and no matter if the person letting the property is legitimately allowed to do so.

Apart from encouraging illegal or non-permitted usage of apartments and encouraging tax evasion, this

approach is also not in the interest of consumers of short-term rental accommodation. As a local resident one only has to browse through available rentals on Airbnb to know that the location descriptions of properties in one's vicinity are very frequently completely false. And that is a matter for Fair Trading, and a violation of consumer protection regulation.

In addition, where else but in the short-term "Shared Economy" accommodation industry do consumers have to deal with individuals and agents that hide behind fake names and fake profiles as is the case with the likes of Airbnb and Stayz? Only there. And only to protect the "privacy" of lessors. Or to allow some to hide behind fake profiles and fake names for reasons other than Privacy.

The STRA should make it mandatory for advertisers to provide the correct address of rental properties, and to provide transparency on lessors and their status (e.g. owner, tenant, agent)

Fire Safety

Any STRA should comply with the same level of Fire Safety and Protection as commercial accommodation providers such as hotels.

For the STRA industry to lobby for lax fire safety standards, and claiming they are a burden. Says the Airbnb public affairs manager Julian Crowley: "It is grossly unfair to make a two-bedroom holiday home follow the same rules as a 200-room hotel". And what if there are several of these in a high rise that was built for residential usage, Mr Crowley?

It is absolutely appalling that permanent residents of high-rise apartments are exposed to this cynical behaviour of companies such as Airbnb, and solely for maximising profits over lives.

In summary

I call on the Department of Planning to

- Give Strata Committees the power to completely ban STRA in their respective buildings
- Give Strata Committees, where these allow STRA, the power to restrict the maximum number of days as appropriate
- Make it mandatory for all STRA accommodation and their proponents to be registered in a register operated by a government agency, e.g. Fair Trading
- Make it mandatory for all persons (landlords, tenants, agents) offering STRA accommodation to be licensed and insured
- Force STRA platforms to disclose the correct addresses of STRA listings
- Mandate identical Fire Safety Standards in STRA as for any other commercial and transient accommodations, eg hotels.

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Monday 09 September 2019

RE: Proposed Changes introducing industry led Short Term Accommodation Framework (STAF)

Attention: Director, Housing and Infrastructure Policy, NSW Department of Planning, Industry and Environment

Dear Director,

I am a resident and owner in a strata title complex in Pyrmont. I have a number of issues related to the proposed new industry led STAF.

I find it that incredible the NSW Government is proposing that every residential apartment and strata townhouse can now be used for short term accommodation without permission; despite existing planning permissions and caveats; and without any acknowledgement of the rights of owner occupiers in strata schemes (apartments and townhouses).

There are important public policy issues that are not being addressed by the NSW Government in this discussion paper which seeks to radically re-write the strata housing laws and provisions. The current paper, and NSW Government approach, seek to ignore the broader planning issues arising from the proposed industry led STAF and to diminish the rights of individual property owners and strata schemes, without due regard to their issues.

Moreover, this paper ignores the rights of owner occupiers who have made investments to purchase properties based existing regulations, rights and provisions. This paper favours large global industry players like AirBnB who seek to “disrupt” the current tourism and accommodation sectors at the expense of home and apartment owners.

By way of context, the building I bought into has a number of provisions in place that made it an attractive home for me and my family. One was the fact that there is an existing provision that classifies the apartments in our complex as not being allowed to be used for short term “hotel-style” accommodation due to its location and impact to the tourism sector (specifically the accommodation sector). This paper is silent on protecting these existing provisions, and I believe any short-term let scheme must fully recognise and uphold all pre-existing planning determinations.

Moreover, while the paper suggests strata schemes can pass new by-laws prohibiting STRA for any lot that is not the Owner’s Principal Residence, the paper is silent about how the “Principal Residence” will be determined. How will strata committees access this information easily and without incurring costs from those that hold property in the name of a Trust or Company?

This issue is further complicated by the suggestion of letting if a “host” is present. How will this be tested /validated by Body Corporate Committees: and how will they be able to

tell the amount of time a host is present during the short-term letting period provision of 180 days?

To that end, any platform /registry must be available to all and must list ALL properties registered as a dwelling open for STRA. This should not be handled by “the industry” but be provided as a platform from the NSW Government, which shares information with local government and the industry, as well as strata schemes and individuals. Hosts should also be obliged to lodge the number of days a property has been let, and be able to be uniquely identified.

I am concerned that in light of recent fire and safety issues arising from unsafe cladding identified on a large number of buildings, that further obligations are being forced on to current owners and strata schemes to make properties legally viable for short-term rentals. As a result, residential strata schemes must have a clear authority to levy additional charges to those Lot Owners offering STRA.

Industry bodies should also be charged for costs associated with the additional wear-and-tear on shared property as a consequence of STRA being offered and facilitated by them. Why has it become acceptable for third party interests and profits to be placed ahead of residential owners and strata schemes rights? It is unacceptable that additional costs have to be borne by owners when they do not benefit from them.

The STAF is not a minor change to strata laws in NSW and threatens the existing rights of property owners who purchased properties under existing laws and regulations that made them attractive as a home and investment. To that end, the current rights of owners and strata schemes by-laws banning STRA must be respected.

Short term letting has a place in the economy, but without the appropriate regulatory framework, locals, particularly young renters, risk being priced out of their neighbourhoods and replaced with transient holiday makers.

The Government’s draft planning instruments, regulations and Code of Conduct currently on exhibit are grossly inadequate and fail to deliver on even the weak promises made last year to regulate the short-term letting industry. A new loophole around the 180-day year rule excludes short term letting over 21 days from the cap. The Code of Conduct that we were told would help ‘crack down’ on party houses, has no mechanism to stop a premise from being repeatedly used for parties.

Add these concerns to a lack of oversight, enforcement, strategic planning and owners’ corporation rights and we have a recipe for carte blanche holiday letting including in high rise apartment buildings. With long-term residents disappearing from cities like Paris, Venice, Florence and Barcelona due to the disruption of short-term letting, the NSW Government must prevent similar impacts to residents in this state.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 11:06 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

Randwick

Submission

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because it provides flexible way for me to live in our family property while studying in Sydney and travelling back to country areas to work in the family business it has made this effective way both use the property and be able to rent while away for work I only have respectful people stay in our apartment and never had any issues

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing

- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

I Don't agree with the 180 day ruling in Sydney areas as I don't see this fair, we are not going to unfurnish our property to rent out if we go over the limit while having our property for own use and rental at the same time, we would not want to rent full time as the property has been set up nicely for us to use and the short term guest, how is this going to effect the rental market which is already in a bad state of affairs with properties staying empty for many months affecting people trying to pay high mortgages, Real estates are also stating they cant ren furnished apartments?

Thank you for reading my submission.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 6:54 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Rathmines

Submission

Dear Sir or Madam,

I am a 94 year old part pensioner still living in my own home in a Low Density residential area in the Lakeside suburb of Rathmines. I have lived alone for many years since my husband passed away. I am able to live independently with assistance from my family and services that help me to remain in my own home.

I live in a battle axe block and feel very secure with my neighbours being quite close by. Neighbours and community are very important to my wellbeing and my ability to stay in my home and live a peaceful quiet remainder of my life.

I have become aware that there has been an increase in my surrounding suburbs of Fishing Point, Arcadia Vale and Wangi Wangi of what can only be described as party houses, being Short Term Rental Accommodation. These are unhosted and unsupervised unlike the local hotel and caravan park which have security and onsite management I understand that at present STRA are illegal and the government wants to legalise them.

People I know have been directly affected by these, some are too scared to report any problems, some are the only direct neighbours. Others have to move out of their own home every weekend to get some peace and quiet. I am too old and have nowhere else to go, I would have to move if the house next to me became an unhosted STRA.

My home directly adjoins neighbours all three of them are all retired couples who have chosen to live where they are because it is a quiet neighbourhood. We have young families living nearby as well and this adds to the balanced neighbourhood.

I have worked hard for many years to be able to have my own home where I want to live. With myself and many of my neighbours being in the retirement phase of their lives I fear that if that if one of these houses around me was to become an unhosted STRA there could be large groups of strangers coming and going next door every few days, all in a holiday mood wanting to enjoy the facilities to the full, day and night. I could not live here if that was to happen, I would have to move and then my house would be sold hopefully not to another STRA. My feeling of security and enjoyment of life would be gone.

My neighbouring houses and my house all have large outdoor decks some have pools which are all used occasionally for family gatherings and special occasions. If people are holidaying in a STRA the outdoor decks and pools would be constantly used by the people and every few days there would be the next lot turning up doing the same. Just for example instead of having just a couple or a family of 2 adults and 3 children next door in the 6 bedroom house there could be 12 people, strangers next door with a turnover every few days in the STRA and who knows how many visitors. Just having large groups creates noise and

disturbance automatically.

Imaging your elderly parents or grandparents being subject to that noise constantly in holiday periods and every weekend and during the week. The anxiety of people, strangers coming and going. I'm sure they would not be able to cope.

I am very worried if this legislation is bought in my life will be seriously impacted. People on holiday use the facilities fully, much more than a normal household of parents that work and children who go to school and have their normal outside activities or people who are retired.

Why should this happen to me through no fault of my own just because someone wants to make more money from a house that should be used to house a permanent family that can be part of the community.

This is a neighbourhood mixed with retired people and young families I don't want our neighbourhood to turn into an unsupervised holiday resort. Please protect our communities.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 12:41 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Redfern

Submission

The proposal to impose stringent new fire safety rules on homes being let short-term is an excellent idea.

Although the fire alarms in the kitchens of our apartment block are very sensitive and are frequently triggered, I live with the fear that one day one of the number of apartments used for short-term letting will have a major fire.

Often there are a number of 'overnight guests' in these short-term lets greater than what would be allowable in a hotel or properly regulated bed-and-breakfast. This makes the possibility of death in a fire a greater likelihood. A fire in one unit has the potential to spread to other units putting more lives and precious memory objects at risk. A fire could also mean other units are smoke damaged and/or made uninhabitable for a lengthy period.

Recently I assisted a neighbouring short-term let unit with a drainage issue in the unit's courtyard and saw the unit's kitchen. In walking through the unit, I noticed the oven door was shattered. It appeared the oven may have been used in an attempt to heat the apartment, hence what appeared to be heat shattering of the glass oven door.

On another occasion I assisted another neighbouring short-term let occupant find the water shut off tap within the unit so that water would stop flowing from a broken tap and repairs could be made.

Non-Air-B&B apartment dwellers do not receive any financial reward when a neighbouring unit is used for short-term letting but must without consent accept the risks and stresses imposed by their neighbours undertaking short-term lets. This is unfair.

Short-term lets also create unnecessary tensions between neighbours within an apartment complex.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 1:54 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Ryde 2112

Submission

I am a resident in a large complex comprising several strata schemes. The complex utilises electronic security measures to allow entry to the complex and for carpark exits.

It is a resort style complex complete with pool, gym and entertaining areas for use of the residents and their guests. It is a desirable and convenient location, complete with panoramic views in a number of apartments. A great deal of money is expended to ensure the safety and security of residents personally and their property. This complex has experienced noise and behavioural issues by short term occupants through air bnb.

Most of those who once rented short term have now ceased due to these issues and were not themselves either owners or present when their guests were in the premises.

In the past 2 weeks we experienced a rental through air bnb by 3 males who stole a motor cycle from the carpark after these individuals examined the storage units within the secure carpark.

This was seen by building management after the event on our surveillance systems.

I feel that were consistent issues arise from short term leasing, Strata Schemes and Building Management Committees must be entitled to ban short term rentals within their complexes. The problem exists throughout our complex where each of the separate residential blocks have reported issues over the past 3 years of my ownership.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 5 September 2019 11:19 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Submission

Dear Minister,

I manage short term holiday rentals on the Coffs Coast on behalf of numerous owners and my husband and I as investors. The first property we purchased was zoned tourism and purposely built for short term holiday letting. The local government implemented a zoning change without consultation, whereby rendering our investment as non-compliant with local zoning regulations. We have continued to operate without the support of our local council as have over three hundred and seventy owners like ourselves in the local area. We recognise that our regional city would not be able to accommodate significant events without the support of owners like me who provide above-average accommodation and attract visitors from all over Australia and the world. Short-term rental accommodation is a crucial driver of economic growth and job creation for the Coffs Coast specifically and the NSW tourism industry regionally.

We support the proposal for mandatory registration of all properties as short term rental accommodation and look forward to a Code of Conduct for all participants in the industry. However, we oppose the Strict Fire Regulation as presented and believe a more "watered-down" version would satisfy the need to ensure the safety of our guests.

Many of the owners I represent have come to rely on the income generated from STRA. Drastic changes to the fire regulation compliance would present economic hardship for many owners, particularly those of large properties. Given the current economic climate, the expenses associated with the observance of the proposed standard would put additional financial stress on these owners.

We also believe that the maximum number of occupants per bedroom is an absurd recommendation. Most of my guests book the houses for multi-generational family holidays. It usually means I have a couple (grand-parent), parent and young children. The young children often share a bedroom with their parents which offers them safety and comfort in an unfamiliar environment.

The income generated from STRA in regional Australia stays in regional Australia. Unlike large hotel chains which funnel their profits overseas, our owners pay taxes to the Australian government and spend their money supporting the local economy.

As holiday rentals are an integral part of the regional tourism economy, it's my firm belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential and continue supporting Australian jobs.

Thank you reading my submission.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 2 September 2019 7:54 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2105

Submission

I have just read your initial discussion paper, and couldn't think of anything more ridiculous than the restrictions on bushfire prone land or a flood control lot, particularly the BAL 40 restriction. I am a nature lover, and I am HIGHLY UNLIKELY to EVER SEEK any short term accommodation THAT IS NOT in a bushfire prone area. In actually fact, if I'm not next to a national park (which would generally makes it a flame zone), I wouldn't even bother. To try to say that I will be unable to find short term accommodation because some office worker decided that the very remote chance of a catastrophic bushfire outweighs the human need of nature is absolutely ridiculous. Not to mention that, the measure seems to imply that it is only short term renters lives that need to be "nanny-state"d ... because for some reason they are different from more regular dwellers (!?) ... this also shows that someone had a short circuit in the brain when they drafted this measure.

I sincerely hope you guys review this with a more rational view, that leaves it to each individual to make their own assessment over what risk they are prepared to expose themselves to, and make their own risk decisions, rather than these being forced down our throats!?!?!?!

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 5:04 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Seaforth

Submission

Dear Director of Housing,

I'm making a submission in relation to STRA (short-term rental accommodation) reforms and the impact it will have a family neighbourhoods. My submission is based on my experience as a homeowner on Sydney's northern beaches. Firstly, my concern centres on having a state-wide planning instrument permitting the use of dwellings for STRA. Permission for STRA should NOT include low density residential areas where STRA would have a huge impact on neighbouring family homes in relation to noise, privacy, safety and other concerns. This is why I think local councils are best served to assess STRA according to location. If there are no exemptions, then there should be provisions in the law for standalone and /or secondary dwellings to provide additional privacy screening such as fencing higher than the current 1.8 metres and that the cost falls with the host. Currently, under the Affordable Rental Housing SEPP a surge in secondary dwellings using only complying development certificates has greatly affected suburban privacy and noise. The secondary dwellings (ie granny flats) are being converted into short-term rental accommodation to the detriment of neighbours in usually peaceful suburbs. A 50 cm side setback requirement with the roof (eaves) under the ARH SEPP is little comfort when the dwelling is turned into STRA. Given the close setbacks currently allowable under the ARH SEPP, STRA should only be allowed on secondary dwellings with block sizes greater than 800 sq metres or 1,000 square metres.

SUMMARY OF CONCERNS AND PROPOSALS

- * privacy, safety and noise in relation to secondary dwellings being converted to STRA
- * proposed limit on the use of secondary dwellings for STRA - ONLY block sizes greater than 800 sq metres
- * the host of secondary dwellings STRA should pay the cost of higher fencing and additional privacy screening
- * a compliance register should be made public as with the Building Professionals Board for certifiers for transparency
- * the government should manage a register, for compliance and enforcement
- * local councils struggle with compliance issues relating to CDC under the ARH SEPP, let alone compliance issues relating to STRA.

BOOKING.COM RESPONSE TO THE NEW SHORT-TERM ACCOMMODATION REGULATORY FRAMEWORK IN NEW SOUTH WALES (NSW)

Introduction

Booking.com appreciates the opportunity to provide its views on the Short-term Rental Accommodation (STRA) Planning Framework. As one of the leading digital travel platforms globally, we would like to reiterate our regret that we have not been able to participate in the Code Advisory Group. Without knowledge of the discussions that have been taking place in the Group, we at times miss the necessary background to answer questions adequately.

Overall, we very much welcome the proposed Framework by the NSW Government which allows guests and property owners to participate in Australia's expanding tourism sector, while protecting neighbours from anti-social behaviour.

Two general observations before answering the questions in the discussion paper below;

- 1) We believe that industry regulations and regulatory instruments, such as a Code of Conduct, should be neutral when it comes to business models and not include any provisions that favor and disadvantage certain well-established business models.
- 2) As an EU based company, we have to comply with the General Data Protection Regulation (EU) 2016/679 (GDPR). We would ask to take GDPR obligations into consideration when it comes to certain information provision requirements. GDPR does not prohibit us from sharing data but the GDPR does include certain conditions to share data.

Importantly, we are fully committed to working with the NSW Government on the implementation of the new regulatory STRA framework and we would be very keen to join the industry working group that will facilitate the implementation.

4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?

Booking.com supports the proposed general obligations. However, Booking.com's ability to verify a person's identity is limited due to the following facts:

1. Booking.com only holds a limited amount of guest information in pre-booking stage (e.g. name, email address) and it is not a requirement to create a profile in order to make a reservation.

2. The person who makes the booking on our website “a booker” is not necessarily the same person as the guest who complete the stay at a property “a guest”.
3. The requirement of vetting a booker and /or a guest in pre-booking stage is not in line Booking.com’s business and operating model in particular in the case of instant booking confirmation.

6. Are the specific obligations on booking platforms, letting agents, hosts, guests and facilitators in the Code adequate? If not, what other obligations should be considered for each of these industry participants? Why?

As highlighted in our previous response to the proposed Code, we remain concerned about the practical implementation of exclusion system, for example when it comes to facilitating restrictions on facilitating STRA arrangements for guests. Given our current business model Booking.com only collects a limited amount of personal data of the person who books the accommodation and does not collect details of additional guests.

Additionally, we believe the definition of “record” in the record keeping requirements is too wide. We would encourage the authorities to limit the amount of data that needs to be stored to only critical information.

8. Are the grounds for recording a strike fair and reasonable? What other matters (if any) should the Commissioner consider when deciding whether to record a strike? Why?

We indeed believe that a central exclusion register for private accommodations ultimately provides the best solution for a sustainable short-term rental segment. One issue we would like to seek clarification on, namely; what is the relationship with the complaint process mentioned and the existing dispute resolution process (such as the small claim tribunal, etc.)? Any complaint handling system should have a single clear dispute process and limit the potential for multiple dispute processes to be pursued by complainants."

17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?

Booking.com welcomes and would like to take part in more detailed discussions on the role the industry should play in administering and enforcing the Code. Generally we believe the cost of administering and enforcing the code is a government responsibility.

20. How can industry be organised to develop and manage the registration system?

We are fully committed to working with the NSW Government on the implementation of the new regulatory STRA framework and we would be very keen to join the industry working group that will facilitate the implementation.

In our capacity as a platform operator, we are fully committed to working with the NSW Government to facilitate compliance by STRA participants (subject to applicable data privacy laws).

As a platform we can help raise awareness on the new legislation and the obligations that come with it. As mentioned above, we will fulfill information obligations to the extent in line with our business operations and applicable laws and regulations. We do believe that the government should be leading the efforts in administering and designing the system.

22. What role should the Government play in developing or overseeing the register, if any?

We believe that the government should play a leading role in developing and overseeing the register.

27. What information should the register collect? Why?

As a booking platform, next to the number of days properties are booked, the registration number and address are the most reliable and workable data points to enforce the register.

A registration system would provide every property with a registration number assigning information such as contact details of the landlord and the address of the accommodation to this number. Properties would be obliged to display the registration number on all distribution channels – including online platforms like Booking.com. .

A registration system, in combination with a legislative obligation for platforms to show the registration number, facilitates enforcement by authorities – and it renders obsolete the obligation for platforms to share individual data with public authorities, which proved to be problematic in terms of data protection laws. Moreover, assured law enforcement and high fines for non-compliance are an important precondition for a level playing field between all intermediaries in the market.

Company profile

As a global company operating in 220+ countries and territories, we have first-hand experience with the rapid growth in the popularity of Short-Term Rental Accommodations (STRAs). More and more travellers seek alternative accommodations that suit best their preferences. Instead of staying in a traditional hotel, some travellers, in particular families with children, choose to rent entire apartments and enjoy the benefits they can't get from a hotel, such as adequate space at an affordable price or the ability to connect with locals and experience the true nature of a destination.

At Booking.com, we are proud of the role we play in supporting nearly 30,000 Australian entrepreneurs and accommodation providers to access travellers from our home market and beyond.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 7:46 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Submission

Dear Sir/ Madam,

Thank you for allowing us with the opportunity to respond to the draft STRA new regulatory framework. We are fully committed to working with the NSW Government on the implementation of the new regulatory STRA framework and we would be very keen to join the industry working group that will facilitate the implementation.

Separately, as we have not been able to participate in the Code Advisory Group to date, we would like to request a separate meeting to discuss some of the proposed provisions and instrument as well as our role in the implementation in more detail. Without knowledge of the discussions that have been taking place in the Consultative Group, we at times miss the necessary background to answer questions adequately.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 5 September 2019 4:14 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Flagged

Suburb/Town & Postcode
Springwood

Submission

To whom it may concern,

I am an airbnb host with a single listing in Springwood in the Lower Blue Mountains (Sydney GMR). The property was my PPOR but I have a contract to work elsewhere and airbnb offers me the opportunity to let my property for most of the year while still being able to visit and maintain it. The property is heritage listed and I receive excellent feedback from guests on the experience of staying in a >150 year old cottage. Arguably, my letting of a heritage property provides a larger benefit to the community as opposed than private occupancy (as the broader public have an opportunity to stay there for less cost per head than a dorm room in Katoomba). In it's current format, after expenses, the property still costs several thousand dollars a year to own and maintain (the median rent of Springwood would provide a better financial return).

The proposed amendments are an onerous burden on hosts and their cumulative effect will make my listing highly non-viable. For instance, the fire safety upgrades will cost thousands of dollars and - should I undertake them - I can then only let the property for 180 days. My listing already meets local requirements for fire alarms and I also provide fire blankets, extinguishers and information to guests. It seems unfair to bring airbnb listings up to a motel standard and then only allow them to be let half of the time. I was thinking about telling my bank that I would only make mortgage repayment for 180 days next year but I'm fairly certain they'd knock me back.

Were I to remove my listing, two local businesses (cleaning and gardening) would lose income of several thousand dollars per year and around 70 groups annually may choose another destination to stay. A drop off in local listings will also send nightly rates higher at remaining listings and send visitors elsewhere (Springwood not being known for 'traditional' accommodation providers). In an LGA where 60% of residents work outside the LGA, bringing in as many visitors (i.e. who spend money and support local jobs) doesn't seem like such a bad idea. A return of former listings to the rental market is also likely to put downward pressure on both rents and house prices at a time when local economies and government stamp duty are desperate for a lifeline.

If government want to pile the burdens on to hosts they had also better get ready for the effects on tourism (less accommodation + higher prices = less tourists) and further downward pressure on house prices.

* Request my name be withheld from publication *

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 5:16 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode

2768

Submission

Fully support the change proposal on stringent fire safety requirement along with maximum occupancy limit imposed on short term stay accommodations

I agree to the above statement

Yes

11 September 2019

By Australia Post and online upload: <https://www.planningportal.nsw.gov.au/>

Attn: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Submission: Draft instruments and Regulations that will introduce the state-wide planning framework

[REDACTED]

As a preliminary point and as noted in my previous submission, it is fact that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home. The premise of the NSW Government's discussion paper states 'the Government Policy for STRA seeks to enable local economies to continue to benefit from STRA'. The draft instruments and code of conducts, if approved in its current form, is incongruous with this statement. Not only will homeowners and hosts be significantly financially disabled by the proposed restrictions but the ancillary jobs that are created as a result of STRA will also be lost. STRA providers are employers of casual, part time and in some cases full time staff who will no longer have an income if these proposed instruments are enacted. To be considered 'fair' the new rules should include compensatory measures for those that are financially disabled by these measures.

I understand that the Government has made commitments to support "*fair short term rental accommodation (STRA) regulation that supports the sharing economy*". As a host on Airbnb in NSW, I wish to provide the following feedback on the proposed amendments to planning rules on exhibition.

Overview

The NSW government estimated the STRA industry to be worth \$15.65 billion in 2015. Listings have doubled yearly since that time and now it would be fair to say the STRA industry would be worth well in excess of \$50 billion or just under 10% of NSW GDP. It is a critically important industry to the State and to individuals. As the country heads into uncertain economic times and people look for ways to maximise their income, it is vital that the government does not put the brakes on a vital industry that helps every day families and the economy as a whole. As Thomas Jefferson said: '*He who governs least, governs best*'.

I have provided submissions on each of the draft instruments and regulations in order below.

Draft Code of Conduct for the Short-term Rental Accommodation Industry

The introduction to the Code of Conduct notes that using a residential premise for STRA can have amenity impacts on residential neighbours resulting from inconsiderate or anti-social behaviour by some short-term rental occupants. This statement is too general in nature. As a resident of inner Sydney, I have been neighbours to long term tenants and short-term tenants. I have certainly experienced anti-social behaviour and note that it has all been from long term tenants. Restricting host's rights to offer their property on STRA will not reduce anti-social behaviour.

I support the implementation of a Code of Conduct which, overall, is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform. In addition, more to protect against frivolous complaints from neighbours needs to be done.

Clause 5.2.5 relates to a booking platform not allowing a premise to be advertised if it is an excluded premise. To have this restriction apply to the premises, rather than the host is unnecessarily burdensome. It does not account for a change in ownership, or tenancy when a new 'host' is tarred by a previous host's wrong doing and necessitates an application to remove the property. Any restrictions should apply to the 'host' or 'guest' only and not to the bricks and mortar.

Clause 5.3.7 of the Code relates to Letting Agents and requires that full particulars of each booking be kept for 5 years. This is an onerous condition that may result in many hundreds of booking details, including personal information, credit card details and so forth needing to be retained by an Agent. Reference to the requirements of the Privacy Act together with retaining highly-sensitive information such as credit card details will be costly. This is an overly burdensome requirement as further to part 5.2, the booking website will already retain these details. The Agent should not be required to keep an exact replica of the information already available. The same comments are made in respect of clause 5.6.3 of the Code relating to Facilitators.

Clause 5.4.8 needs amending to provide detail of when the notice must be given, how it is to be given, how often and so forth. Take for example the situation where a neighbouring property has tenants under the Residential Tenancy Act that change say every 6 months. What is the notice requirement in this situation? Further clarity is needed. In addition, requiring notice makes neighbours aware that the property may sometimes be vacant. We no longer live in a trustworthy society and this may pose a security risk to the premise, the host and their belongings.

The reference in clause 6.1.9 to section 6.3.8 should be amended to 6.1.8.

Clauses 7.1 'Disciplinary Action' is vague. It is not clear what actions amount to a 'warning', 'direction' or a 'strike'. In particular, clause 7.1.3 gives the Commissioner a seemingly unfettered discretion to award a 'strike' against the host premises or guest that is subjective. This is unfair and more detail should be given as to which sanction will apply in what situations. The offense and punishments noted in this section are unclear.

Clause 7.2.3 states that the Commissioner may record on the register either a host, a host in relation to the particular premises or a guest. This contradicts other clauses that refer to registration of a premises alone. What exactly is being proposed? The drafting is unclear and needs revision and further community consultation.

Clause 7.2.4 (b), as noted above, should not apply to premises. This provision should be removed from the exclusion register. It does not take into account new residents, ownership or hosts that may be operating the property for STRA.

Draft Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019

- Clause 22D Appeal against listing on the exclusion register. This provision does not apply to an appeal for a 'premises' that is listed on the exclusion register. As noted above, our view is that premises should not be able to be listed on an exclusion register. However, if it is, then an appeal option should be available for the listing of the premises as well.
- Clause 22E Fees: the fees should be clearly detailed, and warnings should be provided before fees charged.

Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019

- Clause 2, Commencement: A minimum of 3 years should be allowed prior to commencement to allow sufficient time for hosts to adjust. Any shorter period would place an unfair burden on hosts and damage the STRA industry.
- Clause 4, Definitions: the terms 'resides' and 'commercial basis' have not been defined. It is essential that key terms such as these be clearly articulated. The effectiveness of the entire STRA framework will depend on these two terms and the government should provide as much clarity as possible on its intention so that adequate community consultation can be sought. The clarification of 'reside' is also relevant to Clauses 11 and 12, detailed below.
- Clause 8, Review: The review period should be time capped such that the review is to commence after 12 months of operation and be finalised within 24 months of operation. The wording 'as soon as practicable' adds ambiguity and should be removed.
- Clause 12, exempt non-hosted STRA: It defies logic that the 180-day rule will apply in the Greater Sydney Region, one of the top 5 Airbnb destinations in the world. The popularity of STRA in the Region clearly shows the immense accommodation need for tourists visiting Sydney. To reduce the days to 180 will limit the ability of tourists to visit Sydney, decrease the attractiveness of the Region, reduce the economic benefits to the NSW community at large and negatively impact host's financial wellbeing. It is an unfair restriction on fundamental proprietary rights and should be removed. There is no discernible difference to having a long-term renter in a property versus a short-term renter. To raise an argument that by limiting STRA to approximately half the year, the government is '*protecting communities from anti-social behaviour such as increased noise for neighbours*' is equivalent to the government limiting people from driving their cars to only half the year and then claiming the road toll has decreased. These are both non-sensical. There are more effective ways of controlling any negative impact to the community than outright prevention. The government should develop ways to enable the full STRA industry and reap the financial benefits for the whole state while mitigating any one-off anti-social behaviour or noise events. If the 180-day rule remains, there should be an exemption for class 1a buildings. These buildings do not suffer from any of the drawbacks of multi-unit, high rise buildings from which original complaints of the STRA industry stem and to which the proposed legislation should be directed. Class 1a buildings are vastly different from class 2 buildings and I suggest the government could enhance the commitment to "*fair short term rental accommodation (STRA) regulation that supports the sharing economy*" by excluding class 1a buildings.

Draft instruments and Regulations that will introduce the state-wide planning framework

- Clause 13, complying development non-hosted STRA: I reiterate the same comments for clause 12 above in respect of the 180-day rule. I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

I also note that the proposed changes to these rules are a fundamental breach of a property owner's proprietary rights. As a property owner, it is my right to maximise the return on my property. Home sharing provides a source of income without which I would suffer financial hardship and consequently not be in a position to continue to hold the asset. In addition, the cleaners I employ will lose their job, the laundromat will have less revenue. STRA benefits the whole community and it is inappropriate to let a few community disturbances destroy a thriving industry.

I support the need to promote peaceful and quiet enjoyment in a building and indeed in a neighbourhood. As a super host, we are vigilant with ensuring that our guests are respectful of our neighbour and of our home. Having previously rented our property on a longer-term tenancy, the property incurred additional maintenance costs, additional wear and tear with a lesser income. Shorter term rentals provide a higher income and allows me to preserve the value of my asset.

I fundamentally object to any provisions or legislative amendment that purports to restrict how I can use my home using a necessity to provide 'affordable rental accommodation' to the population as one of the justifications to restrict short term rental accommodation.

If the government wish to impose this law on homeowners, they also need to provide a compensation scheme both for the loss of income and for the additional wear and tear caused on my property by longer-term tenancies.

Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019 and accompanying 'Short-term Rental Fire Safety Standard'.

I strongly oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems and inter-connected hard-wired smoke alarms. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, or for a tenant to rent on a long-term basis under the Residential Tenancies Act, it's safe for my guests. I support the NSW Government streamlining safety regulations which: Respect the ancillary use of my home for home sharing, mandate smoke alarms (either battery operated or hard-wired) as per existing rules and require evacuation or emergency plans and guest education.

The effect of the costly alternations coupled with the 180-day rule will cripple the STRA industry in NSW, irrevocably damage the economy, put the state further out of touch with the sharing economy and make it impossible for hosts to operate. If the highly onerous and costly proposed fire

compliance measures are put into place, the 180-day rule must be abolished for a host to have any chance of making back their investment. It is not possible for someone to host a space for a few weeks a year and comply with the fire measures in a cost-effective manner. Since the additional criteria proposed already includes a requirement to comply at all times with all relevant planning, building, strata, fire safety and health regulations, the introduction of additional safety requirements would be unduly burdensome and unachievable for a majority of hosts. This does not mean a majority of hosts reside in homes that are unsafe to stay, but simply that they already meet relevant minimum requirements.

I strongly urge the government to abandon the proposed fire safety standard and re-engage with the community.

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Adding further complexity through a government register is wholly unnecessary and burdensome with the costs again falling on those seeking to use STRA and will provide yet another disincentive to the industry as a whole.

Thank you for reading my submission

Yours sincerely

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10 September 2019

Att: Director, Housing and Infrastructure Policy

NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

For electronic submission

Dear Director,

Airbnb Submission: Short-term Rental Accommodation -- A new regulatory framework: Discussion paper

Thank you for the opportunity to comment on the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper*.

Executive Summary

- Airbnb's community continues to support the growth of the visitor economy in New South Wales (NSW), providing more choice of accommodation for consumers in more locations across a variety of price points.
- Airbnb's community is an important contributor to the NSW economy. The latest research shows that in one year alone, Airbnb guests who stayed in NSW spent \$1.2 billion, which supported more than 7,300 jobs and contributed \$987 million to Gross State Product.
- Airbnb supports the NSW Government's whole-of-government approach to regulating short-term rental accommodation (STRA). However we suggest some specific amendments which are contained in this submission.
- Airbnb supports the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) provisions for exempt development for hosted and un-hosted STRA.
- However, Airbnb notes that the SEPP provisions for complying development are unworkable, and so opposes them and urges the NSW Government to consider the real impact of these provisions on STRA throughout NSW, particularly in regional and coastal communities which depend on STRA to support their visitor economies. If the requirements are necessary they should be generally applicable and not imposed selectively on STRA. Airbnb submits that this be replaced with more comprehensive, practical measures regarding emergency safety in concert with Airbnb's disaster response initiatives outlined in this submission.

- Airbnb supports the approach to thresholds on the number of days a dwelling can be used for STRA which provides for a distinction between Greater Sydney and the regions. However, we respectfully request that the Blue Mountains City Council be excluded from the definition of Greater Sydney.
- Airbnb requests that the proposed safety provisions set out in Table 2 of the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper* detailing safety requirements be replaced with clearer, more practical provisions set out below in Table 1 of this submission.
- Airbnb requests that the anti-family provision for two *persons* per bedroom be rejected and be replaced with a provision for two *adults* per bedroom or the permissible limits for the dwelling under the existing planning consent. Many Australian homes have bunk beds sleeping 4 or more in a room and many families with children over 18 travel together.
- Airbnb supports the Code of Conduct, however, recommends a number of proposed changes to allow for a more representative, fit-for-purpose, and workable Code of Conduct.
- Airbnb opposes the establishment of a wholesale, onerous STRA property register for any person sharing any space or home, however occasionally that may be. Any registration model would introduce an onerous regulatory burden without improving outcomes, it will act as a barrier-to-entry for participants in the home sharing economy, will place at risk the future economic growth of the industry, impacts the choices available to consumers, and would mean fewer travellers using STRA and contributing positively to the visitor economy.
- Airbnb recommends that the NSW Government develop a data-sharing approach to compliance which would help ensure that there is a strong understanding by the community of, and integrity in compliance with, the STRA regulatory framework in NSW. Additionally, such a framework would provide valuable data to the NSW Government to inform evidence-based policy-making.

About Airbnb

Founded in 2008, Airbnb exists to create a world where anyone can belong anywhere, providing healthy travel that is local, authentic, diverse, inclusive and sustainable. Airbnb uniquely leverages technology to economically empower millions of people around the world to unlock and monetize their spaces, passions and talents to become hospitality entrepreneurs. Airbnb's accommodation marketplace provides access to 6+ million unique places to stay in 100,000+ cities and 191 countries and regions. With Experiences, Airbnb offers unprecedented access to local communities and interests through 40,000+ unique, handcrafted activities run by hosts across 1,000+ markets around the world. Airbnb's people-to-people platform benefits all its stakeholders, including hosts, guests, employees and the communities in which it operates.

The Airbnb community in New South Wales

Airbnb has continued to grow into a significant presence in NSW, and it plays an increasingly vital role in the visitor economy. The Airbnb Homes platform is used by a broad spectrum of hosts, ranging from people who make extra income from sharing space in their own homes, to the long established holiday letting industry, and even to operators of hotels and serviced apartments who are increasingly listing their businesses on our platform. The Airbnb Experiences platform is used by hosts who are creatives, artisans, and small businesses as an online platform to share their passion with the world and unlock their time and potential to create new economic activity.

We have a large community of people across NSW for whom sharing their home or space is now a vital source of supplemental income. The supplemental income earned helps hosts ease the cost-of-living or pay the mortgage or bills. In 2018, 47 per cent of Airbnb hosts in NSW said that sharing their spaces on our platform helped them afford to stay in their homes, 42 per cent said they relied on their Airbnb earnings to make ends meet, and 29 per cent of hosts said their Airbnb earnings went directly to their housing costs, such as paying their mortgage or rent.¹ Importantly, the supplemental income earned by home sharing particularly helps older or retired persons remain in their homes and communities.

Home sharing also helps build resilient communities and robust economies by increased visitation and spending by Airbnb guests, often in areas that do not traditionally benefit from the tourist dollar. This is especially important in regional communities which may not have adequate traditional accommodation infrastructure to support the visitor economy, or may not be able to attract investment to build new accommodation for the growing visitor economy.

Airbnb's contribution to the New South Wales economy

Driven by a desire for more local and authentic experiences, more travellers from Australia and the world are turning to the Airbnb platform. In the past twelve months to 1st June 2019, our Homes community welcomed over 2.7 million guests across the state - both domestic and international travellers² - in 70,300 active Airbnb listings in NSW.³

As our community grows, it creates more jobs in local cafes, shops and businesses across New South Wales. A recent report by Deloitte Access Economics — *Economic contribution of Airbnb in NSW for 2017: an update* — found that in 2017 Airbnb guests who stayed in NSW spent \$1.2 billion, which supported 7,300 jobs, including more than 2,500 jobs in areas outside Sydney in brick-and-mortar businesses such as cafes, restaurants, and retailers, and contributed \$987 million to Gross State Product. We would expect these contribution numbers to have grown, along with our community of hosts and guests, since 2017. The report also found that the typical

¹ Airbnb host survey data. This survey was conducted in January 2018 with 1,594 survey respondents.

² Estimated from Airbnb internal data.

³ Airbnb internal data.



Airbnb guest spends more than \$211 per day in New South Wales - with more than 39 cents in every Airbnb guest dollar going to local cafes, restaurants and retailers.

In addition to visitor spending, the home sharing economy is supporting the growth of ancillary services — such as domestic cleaning and property management — facilitated by some Airbnb hosts who prefer to engage professional services to manage their listings and bookings.

Importantly, the growth of the Airbnb community supports the NSW Government's *Visitor Economy Industry Action Plan 2030* which aims to grow overnight visitor expenditure to \$55 billion by 2030 and put visitors at the centre of decision-making.

Short-term Rental Accommodation -- A new regulatory framework: Discussion paper

Airbnb is generally supportive of the NSW Government's reform approach, however we have some major caveats. As such, the comments below in this section of the submission are reserved for selected provisions Airbnb wishes to provide feedback to the NSW Government.

Proposed industry-led STRA property register

Airbnb holds strong concerns about any wholesale or onerous registration model for STRA in NSW. NSW has undertaken a comprehensive consultation process leading up to the NSW Government's whole-of-government reform approach. This process has actively canvassed a range of views from diverse stakeholders in the sector and broader community. Through this lengthy process of consultation and reform, at each stage of the policy-making process a registration model has been rejected and the NSW Government has undertaken public commitments to not pursue a registration model.

Legislative Assembly Committee on Environment and Planning

After eighteen months of investigation, the Parliament's Legislative Assembly Committee on Environment and Planning - with representatives from the Liberals, Nationals, Labor, and Greens - released its unanimous report on 19 October 2016 - *Adequacy of the Regulation of Short-term Holiday Letting in New South Wales* - which found that: "On balance, we conclude that the costs of establishing a business registration model for STRA outweigh the advantages. STRA is already subject to land use planning and consumer regulation, and generally complaint levels are low. A registration model would be an expensive and bureaucratic response to what is a mostly low impact activity. It would transfer resources from managing problem properties to managing compliant ones. The pragmatic response which councils take now to responding to complaints would be replaced by the task of administering the registration of all STRA, the vast majority of which are not causing problems." The Committee further highlighted that "the EP&A Act is sufficient to regulate STRA."

Short-term Holiday Letting in NSW Options Paper

Following the Committee's report, the NSW Government developed a *Short-term Holiday Letting in NSW Options Paper* to conduct further consultation with the industry and the community. The *Options Paper* actively considered registration "to manage safety and amenity issues" and "to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met". The majority of responses to this consultation rejected the idea of compulsory, wholesale registration with over 5,000 of the 8,000 submissions stating opposition to the implementation of a registration system.

NSW Government's Whole-of-Government Approach

Following the *Options Paper* process, the NSW Government announced its whole-of-government approach with a two-pronged approach to create 1) a Code of Conduct to set mandatory, industry-wide standards and best practice and 2) a planning response to set out a clear framework for how a host could share their home.

During the Parliamentary debate on the *Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018*, members of the NSW Government made public commitments to not change the way in which the industry has operated for decades in NSW by way of introducing a compulsory registration system. With regards to enforcement and compliance of the NSW Government's reforms, The Hon. Scott Farlow stated in the Legislative Council debate that took place on 14 August 2018 on the *Bill* that: "The code of conduct will provide the opportunity to supplement these enforcement options through data sharing. This will be looked at through the development of the code of conduct. However, there are already mechanisms to ensure that planning laws are complied with. The Opposition also raised the idea of a registration system and costs. A registration scheme would add a significant regulatory burden on an industry that has existed for decades in this State without it. The Government does not propose to change that system. It would also be difficult to enforce, with more than 70,000 properties needing to be registered in circumstances where the property may be placed on the short-term rental market and taken off it on a regular basis."

The NSW Government's previously exhibited *Explanation of Intended Effect : Short-term Rental Accommodation Planning Framework* reiterated the Committee's findings and stated that: "The existing planning system has strong compliance measures to address land use permissibility and compliance with planning legislation. Division 9.2 of the EP&A Act provides investigative powers which councils may apply where property owners are in breach of their consent. These powers cover investigation and authorisation, entry and search, obtaining information, and recording evidence."

Onerous registration for STRA is unnecessary and unfair. Our community would be concerned about any moves to implement a registration system that would affect their choice to share their

homes by burdening hosts with costly red tape, or otherwise act as a barrier-to-entry in the home sharing economy.

It is also unclear what it is meant to achieve, in light of the proposed Code of Conduct and planning instruments which already address all planning approval requirements, safety, and amenity issues. Under the draft Code of Conduct, 5.1.3 sets out broad information gathering powers granted to the Commissioner whereby all industry participants are subject to a “request made by the Commissioner to produce information relating to the operation of the short-term rental accommodation industry or this code”. Below in this submission Airbnb sets out how under this section of the Code of Conduct the NSW Government could establish an obligatory and industry-wide framework for data sharing which would be both light-touch for industry to implement, and provide the NSW Government with both the information to enforce compliance with the regulatory framework and valuable data from which to make reasoned, evidence-based policy.

The expectation that industry would fund, develop and administer a STRA register is unreasonable. By the NSW Government expecting industry to use its existing data and systems to develop a register that will be publicly available, it is expecting Airbnb to disclose its valuable proprietary and confidential information. There is no clarity on how this burden will be split amongst industry and there are no protections preventing competitors from exploiting this valuable data to market to Airbnb's community of users. In fact this extensive sharing of user data amongst industry does not appear permissible having regard to privacy obligations to users.

In addition, the proposed level of coordination between competitors would appear to contravene some areas of competition law. Most significantly, the amount of data available on such a register will attract all forms of security breaches and crime, including burglary, identity theft, and illegal marketing practices. We respect our users' privacy and have built in numerous measures to safeguard their privacy. For example, the address and contact details of a host is only disclosed to a guest after a booking is made. That is to say, sensitive information is only disclosed to users when a user commits to registering an account with all attendant security checks, logging in and making a traceable payment. The proposed register would undermine these important security protocols.

An industry-administered register will only be as robust as the industry that participates in it. The NSW Government will have no meaningful way of ensuring non-compliant platforms (especially those offshore) participate equally in the register. The inevitable outcome is that to circumvent applicable day thresholds users will list on non-compliant platforms instead, causing the participating industry to suffer an exodus of users, and proving the ineffectiveness of such a register.

Finally, such a model, if implemented, would undermine New South Wales competitiveness as a tourism destination. Currently, no other state or territory in Australia mandates a wholesale registration process for all people who share their own homes. Any registration model which acts as a barrier-to-entry for participants in the home sharing economy risks the future economic growth of the industry, impacts the choices available to consumers, and would mean fewer travellers using Airbnb and contributing positively to the visitor economy.

In light of these reasons, we would ask the NSW Government to honour its past commitments and support people's choice to responsibly share their home without navigating onerous red tape. A STRA register is not a necessary part of the proposed regulatory framework.

Data Sharing

Throughout the almost four years of consultation, the Airbnb community has participated in good-faith in the policy-making processes the NSW Government has undertaken, and continues to be committed as a partner and collaborative industry stakeholder to ensure that the NSW Government's reforms can be implemented and complied with.

In this vein, Airbnb considers an approach which sees industry share data - with adequate safeguards to protect privacy - as the best, light-touch method of providing regulators with the information to enforce compliance with the NSW Government's policies. This is an approach which is currently being undertaken in Tasmania where the Tasmanian Government has passed legislation - with the support of Airbnb and our community - to mandate compulsory data sharing by platforms to help enforce compliance with the state's planning policy.

Coupled with a well-resourced education campaign by industry, a data-sharing approach to compliance would help ensure that there is a strong understanding by the community of, and integrity in compliance with, the STRA regulatory framework in NSW.

Planning Instruments

Broadly, Airbnb supports the clear regulatory framework adopted by the NSW Government that allows our host community to responsibly share their own homes without the need for burdensome red tape such as development approvals, restrictive caps or other restrictions, and a clear, simple framework for non-principal places of residences, such as holiday homes.

Noting our broad support for the STRA planning framework, Airbnb is deeply concerned by specific measures detailed below which are unduly onerous and will pose significant compliance barriers for people wishing to participate in the home sharing economy.

Airbnb requests that consideration be given to a number of amendments relating to the proposed provisions for the sake of clarity and to ensure that the measures proposed in the final

regulatory framework can be practically applied whilst maximising the benefits of STRA and implementing adequate safety measures.

State Environmental Planning Policy (Short-term Rental Accommodation) 2019

Notwithstanding our comments below, Airbnb supports the provisions in the SEPP which provide our community of hosts with certainty and clarity to share their homes. The approach which provides exempt development pathways for hosted STRA with no nightly restrictions and for un-hosted STRA with a 180 day threshold is an innovative approach to STRA, and one which strikes the right balance in regulating the industry.

Definition of Greater Sydney

Airbnb supports the approach to thresholds on the number of days a dwelling can be used for STRA, including the distinction between Greater Sydney and the regions.

However, we respectfully request that the Blue Mountains City Council be excluded from the definition of Greater Sydney. The Blue Mountains City Council encompasses a broad area from suburbs in the lower Blue Mountains through to the upper Blue Mountains. The distinction between the different parts of this LGA can be recognised to delineate areas where STRA can be allowed up 365 days per year to support the accommodation needs of the area, whilst allowing discretion to the Council to reduce that number in areas which are within a closer commuter distance to Sydney. Airbnb seeks that Blue Mountains City Council thus be excluded from the definition of Greater Sydney.

Stays of 21 days or longer

Airbnb welcomes the proposed change to exclude stays of 21 days or longer from contributing to the 180 day threshold. Airbnb supports the reasons outlined by the NSW Government in support of this change. Whilst STRA is generally a low-impact activity which is ancillary use to residential dwellings, this change acknowledges that longer-term stays present an even lower-impact on amenity. This is a reasonable approach which recognises that the accommodation needs of people are changing and the growing demand for this kind of accommodation to support populations such as mobile workers and students whose needs can continue to be supported by STRA in NSW.

Complying Development Pathways

Airbnb has strong concerns regarding the proposal for STRA on bushfire prone land or flood control lots to be considered complying development. Whilst the proposal is well intentioned and on the surface appears to be measured, this approach will likely result in a series of unintended consequences.

Firstly, there is no evidence of the need to introduce this requirement where this STRA-type land use activity has been occurring without the need for a complying development certificate

(CDC) for holiday homes throughout the state for decades. If this proposal were to proceed, homes which have been safely used by hundreds of families and holiday-makers would suddenly be required to have certification with no compelling reason to support the change.

Secondly, if implemented, this proposal would present a significant compliance cost for potentially thousands of homes which have been used as holiday homes for decades. This cost will be borne by the homeowner, and the significant costs of gaining a CDC will likely act as a deterrent to listing dwellings for STRA.

Thirdly, it is likely that this change would disproportionately affect regional and coastal communities. This proposal potentially requires higher-compliance barrier for hosts in the regions and coastal communities - communities which are reliant on STRA to provide accommodation to support their visitor economies. Regional and coastal visitor economies are more reliant on STRA to provide accommodation and this proposal risks negative follow-on effects as fewer homeowners choose to list their holiday homes on platforms like Airbnb, leading to fewer STRA properties which means less choice and higher-prices for consumers.

Fourthly, the proposal would make the compliance cost for hosts sharing their own homes whilst away on holiday so high that it would not be economical for many to even consider listing their homes on Airbnb (or other platforms). This would unfairly penalise those hosts who share their homes for only a few weeks per year, and who would (under this proposal) be required to obtain a CDC which could cost hundreds, potentially thousands of dollars, only to exercise their choice to share their home for a few weeks per year. Dependent on the cost of the CDC and the income earned by a host in this instance, the return on investment could take several years to be realised.

Finally, the provisions outlined in the SEPP at 13(g) and (h) relate to material requirements that a property would (if implemented) be required to satisfy. It is not clear how these would apply specifically to STRA use of a property versus ordinary residential use. It appears that these are requirements to assist with emergency response measures in the event of a bushfire (such as a 10,000 litre water tank), and consistent with Airbnb's previous submissions, we submit that any material safety requirements for a dwelling should be agnostic to the activity that occurs at the property. If these requirements are needed to support emergency response measures, those requirements should stand apart from any STRA requirements and apply to the dwelling regardless of its use.

Put simply, where a property is located on bushfire prone land or a flood control lot and has been deemed safe for existing residential use in compliance with all relevant planning approvals, there should not be additional, significant burdens placed upon those hosts for engaging in STRA. Consistent with our previous submissions, Airbnb supports workable measures to deal with safety and emergency management. Airbnb has developed online tools

and response programs to support government authorities in times of natural disaster. Airbnb's sophisticated technology allows real time and up-to-date communication directly with both guests and hosts who might be affected by a natural disaster, including bushfires.

Airbnb has pioneered initiatives across the world and in partnership with a growing network of government and relief agencies. We provide disaster and emergency preparedness educational materials to Airbnb hosts, help arrange community emergency preparedness trainings with local experts, and use Airbnb communication channels to notify hosts and guests about emergencies. Locally, Airbnb has established partnerships in Australia with Emergency Management Victoria and the Australian Red Cross on disaster response programs and training, and we would be interested in developing similar partnerships with the NSW Government and its agencies to ensure the safety of our host and guest community in partnership with emergency services, as well as supporting the broader community in times of natural disaster or crisis.

Airbnb strongly opposes the complying development provisions of the SEPP and requests that the NSW Government withdraw these provisions. In the alternative, we request that the Government at least provide for a "home-sharing exemption", which would allow for un-hosted STRA in a host's primary home as exempt development. This principle - where regulations distinguish between a primary and a non-primary home - has been implemented in Tasmania (in that case to allow for a host's primary home to be used for hosted and un-hosted STRA without submitting permit applications to a local council).

Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019

Airbnb supports the introduction of clear, consistent, minimum safety standards and evacuation requirements for properties used for STRA. Generally, these provisions should be consistent with (and not more onerous than) the Building Code of Australia and the provisions set out for the relevant residential dwelling.

Airbnb seeks a number of changes to the proposed *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* to provide for clear and streamlined approaches which protect both host and guest safety without the need for onerous alterations or additions to properties.

Airbnb proposes that the overarching planning principle and philosophy which should guide these regulations is that if a home is fit for existing residential use (i.e., an approved residential dwelling), then it should not require additional or unreasonably onerous burdens be placed upon hosts simply because they engage in home sharing or STRA.

The *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* sets out the proposed safety requirements applying to dwellings used for STRA. These

provisions are summarised in Table 2 of the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper*.

Airbnb requests that the provisions in Table 2 be rejected and instead be replaced with those suggested in Table 1.

Table 1. Proposed safety requirements applying to dwellings used for STRA

Dwelling type	Recommended standard
All dwellings	<ul style="list-style-type: none"> • No more than 2 adults⁴/bedroom, or the permissible limits for the dwelling under the existing planning consent • Installation of smoke alarms, either hard-wired or battery operated⁵, in compliance with the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006⁶ • Installation of a fire extinguisher and fire blanket in the kitchen or kitchenette • Making a simple Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system
Dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings)	<ul style="list-style-type: none"> • Entry doors should be openable from inside the dwelling without a key

Airbnb requests that the provision for no more than two *persons* per bedroom or 12 persons, whichever is the lesser to be removed from the proposed STRA planning framework. We recommend that this be replaced with a provision that allows for no more than two *adults* per bedroom, or the permissible limits for the dwelling under the existing planning consent. As it is currently proposed, the provision for two persons per bedroom would expressly prohibit parents sleeping in a bedroom along with their newborn baby or child, a practice which is quite common

⁴ This change would narrow the definition to adults, not persons.

⁵ The Australian Standard (AS) 3786–1993 for smoke alarms allows for these alarms to be hard-wired (powered from the mains electricity supply) or battery operated at the owners' choice. See <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/smoke-alarms-new-smoke-alarm-requirements-owners-of-houses-residential-flats-and-units-2006-03.pdf>.

⁶ The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 sets out the applicable requirements on location of smoke alarms by building class. As STRA occurs in residential property (Classes 1a, 2 to 9 buildings), hosts ought to comply with the requirements applicable to these Classes, and not to a higher standard applicable to commercial buildings.

in the usual residential use of a dwelling. It would also, for example, prohibit those holiday homes which currently have large bunk rooms, where e.g. 4 or 6 people (usually children) can stay together comfortably and safely, whilst adults stay in other rooms. These activities are quite common for families using STRA, and if the proposed safety requirements are not altered this provision would prohibit the thousands of families who use Airbnb accommodation for their holidays from undertaking normal, safe behaviour which is ordinarily practiced in family homes across NSW. It would also expressly prohibit STRA activity in dwellings which have existing planning consent that exceed the proposed limit of 12 persons, and which is consistent with normal behaviour in residential dwellings.

These are practical and consistent requirements for all dwellings used for STRA to provide for the safety of hosts, guests, and the broader community.

Planning frameworks in other jurisdictions

If the SEPP is not altered and is implemented as proposed, hosts in NSW would face the most onerous compliance requirements for home sharing or STRA of any jurisdiction in Australia. Airbnb has long argued that STRA should be considered ancillary use of a property, and one which requires no substantial alterations or onerous measures required to satisfy the safe and responsible use of a property by STRA guests.

In Australia, as other state governments have implemented reforms to their regulatory STR frameworks, policy-makers have repeatedly made it clear that home sharing is not a substantive change-of-use, or one which should require onerous (or in many cases any) planning adjustments or consents. Both the South Australian and Tasmanian planning ordinances defer to the habitability of the dwelling as the gateway to conducting STRA, with no extra, onerous requirements for a host to make their dwelling fit for purpose.

South Australia has issued a clear advisory notice which provides guidance with regard to how STRA can be approached and it makes clear that the use of a dwelling does not require material changes. The advisory notice states: “a dwelling will remain a dwelling if it is occupied sporadically; let out during holiday periods to short term occupants; let for short term use; or if the owner lives overseas or interstate and uses it occasionally and then for relatively short periods. Unless development is undertaken to physically alter the dwelling such that it is no longer a dwelling, it remains a dwelling.”

In Tasmania, the Tasmanian Government has implemented a bifurcated approach with compliance pathways for STRA covered either by a “home sharing exemption” or permitted use. In both instances, properties are considered ancillary use of the dwelling with no complex planning requirements for hosts to navigate.

Airbnb encourages the NSW Government to consider the planning frameworks in both Tasmania and South Australia as it finalises the details of the planning instruments which will regulate STRA in NSW.

Code of Conduct and supporting Amendment Regulation

Airbnb welcomes the establishment of a fit-for-purpose and representative Code of Conduct, and appreciates the NSW Government's invitation for us (along with other industry representatives) to have participated in the Code of Conduct formulation process.

Airbnb supports the proposed measures set out in the draft Code of Conduct and the clarity regarding rights and responsibilities for participants in the STRA industry. Specifically, Airbnb is supportive of the overarching aim of the draft Code of Conduct to address instances of anti-social or disruptive behaviour which affects local communities. Whilst these instances are rare and isolated, Airbnb supports a crackdown on bad behaviour which will address community concerns and provide avenues to dispute resolution and resolving complaints.

Exclusion register

The creation of the proposed exclusion register, as a mechanism to enforce compliance, will provide integrity and faith in the policy ambitions of the NSW Government to address bad behaviour. The exclusion register will require adequate safeguards to protect the privacy of hosts and guests listed, specifically around the protection of personally identifiable information. Airbnb suggests that this information be stored in a database that is accessible only to industry participants comprising letting agents, facilitators, and booking platforms. This could be facilitated by the establishment of a whitelist of those industry participants.

The benefit of a whitelist directory is that it encourages non-compliant industry participants to comply with the Code, if hosts are only permitted to use the services of letting agents, facilitators and booking platforms on the directory. This will help overcome the jurisdictional challenges of enforcement against offshore industry participants that the Commissioner will inevitably run into. Having industry participant details on the directory will also enable the Commissioner to notify these industry participants when there are changes to the exclusion register, which in turn enables booking platforms to comply with their obligations with respect to the exclusion register.

At the same time as Airbnb supports the protection of personally identifiable information from broad publication, Airbnb appreciates that strata communities could benefit from notification if a host or a STRA premises within their strata scheme is included on the exclusion register. Airbnb anticipates that this information could be shared directly by the Commissioner to the strata scheme or the community scheme affected with penalties for any dissemination or further publication.

Complaints and disciplinary action

Airbnb is satisfied that within the NSW Government's proposed framework there are adequate provisions to protect industry participants from complaints that are frivolous, vexatious, trivial, misconceived or without substance, and would request the NSW Government's vigilance on this if the Code is implemented. Airbnb supports the discretionary powers to provide for graduated and staged-interventions and disciplinary action, to allow warning notices and directions before a strike is administered. This provides adequate remit to the Commissioner to use discretion and apply commensurate disciplinary action before a strike is recorded. The Code of Conduct should retain these provisions to ensure that there is a workable framework for interventions that are directly related to the seriousness of the contravention of the Code of Conduct. Additionally, the provisions that provide rights of appeal during the complaints process and to seek a review in response to the issuance of disciplinary action are in accordance with long established principles of natural justice. These provisions should be retained in the Code of Conduct to ensure a workable and fair framework which will provide clarity and certainty for industry and the STRA community.

Recommended changes to the draft Code of Conduct

Notwithstanding Airbnb's overall support of the draft Code of Conduct, Airbnb recommends that the specific provisions in the draft Code of Conduct be amended per our comments below. These changes are sought to ensure that the Code of Conduct is practicable and works for industry and the community. The requested changes will have meaningful outcomes to support the Code of Conduct and the economic outputs of the STRA industry.

Airbnb seeks that a further principal objective be added as a new 2(e): "to support short-term rental accommodation as a home sharing activity and contributor to local economies."

Airbnb proposes that the obligation under 5.2.1 on booking platforms (and under 5.3.1 on letting agents) to inform industry participants come into effect *upon* (and not *before*) the participant entering into a STRA arrangement. The Code of Conduct will only be relevant to guests seeking to book listings in NSW, and not the full universe of guests. As it is not possible to predict whether a guest will book a listing in NSW or elsewhere, we propose that booking platforms be permitted to satisfy this obligation by referencing the Code of Conduct in the booking confirmation email that is sent immediately after the booking is completed.

Airbnb seeks that 5.1.3 be amended to: "An industry participant must comply with a request made by the Commissioner to provide information relating to the operation of the short-term rental accommodation industry or this code, where such information is necessary to enable the Commissioner to monitor, evaluate and inform the further development of the regulatory framework for STRA." Bearing in mind that 5.1.3 is an offence provision under the Act, these amendments are necessary to clarify that there is no obligation on an industry participant to create new information ("produce" can mean "create" or "provide"). In view of privacy

considerations, we also recommend that the Commissioner's subsequent use of the information be subject to reasonable restrictions, such as those set out in section 8 of the Tasmania Short Stay Accommodation Act 2019.⁷

Airbnb seeks that 5.4.3 and the obligations for a host to hold public liability insurance be clarified to such that this obligation is satisfied if the host's booking platform provides insurance for a STRA arrangement. That is, the Code of Conduct should expressly make clear that the host should be allowed to avail of insurance directly or via the booking platform. This is particularly significant for hosts who may only use a booking platform from time-to-time when they are not using their home themselves, and whose insurance risk profile would likely be lower given the hosting activity is on a casual basis. Booking platforms are well-positioned to, where appropriate, provide insurance that protects hosts and guests. Airbnb has led the STRA industry in this respect, and to give hosts the extra peace of mind that they need to open their homes to visitors, we have developed a Host Guarantee Program⁸ and a Host Protection Insurance⁹ to help protect Australian hosts. Each trip booked on Airbnb in Australia is covered by these two programs. This change - whilst minor - is significant insofar as 7.1.3(c) sets out that the failure to comply with host insurance obligations is the basis on which a strike can be issued. If this provision is left unchanged, the outcome could present significant barriers to home sharing inconsistent with and ignorant of the best-practice in the industry which are currently working. Airbnb seeks that 7.1.3(c) - the provision that failure to comply with host insurance obligations be regarded as the basis on which a strike can be issued - should be removed if the final Code of Conduct does not include a provision for a host to avail of insurance directly or via the booking platform.

Airbnb seeks that the references to "short-term rental accommodation industry" in 5.4.9 and 5.5.7 be replaced with "short-term rental accommodation arrangement". The term "short-term rental accommodation industry" is not defined, and the lack of clarity could inadvertently lead to confusion (especially amongst international guests) as to whether the restrictions are limited to activities in relation to listings in NSW as so intended.

Airbnb seeks that the phrase "and the failure is not minor" under 7.1.3(a) and 7.1.3(c) be amended to "and the failure is serious", given the gravity of the consequences that such breaches warrant, that is, the recording of a strike. Such amendments will also bring 7.1.3(a) and (c) in line with 7.1.3(d) and 7.1.4.

Airbnb requests that 7.1.3(b) be removed from the Code of Conduct. Airbnb supports the inclusion of 5.4.2 in the Code of Conduct to provide certainty for guests when booking a premises for rent and place obligations on the host to ensure any representation of the premises

⁷ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2019-012#GS8@EN>.

⁸ <https://www.airbnb.com.au/guarantee>.

⁹ <https://www.airbnb.com.au/host-protection-insurance>.

is true and accurate. However, Airbnb suggests that including a contravention of this obligation as the basis for a strike is a significantly severe punishment for a relatively minor contravention. For example, a host may specify in the listing description that WiFi is available; however a previous guest uses up all of the host's data cap for the WiFi resulting in subsequent guests getting slow/no WiFi connectivity for the rest of that month. It would be a misstep for a minor contravention such as this, to warrant a strike. Industry best-practice developed by Airbnb provides adequate measures to mediate instances of misrepresentation of a listed property. For example, Airbnb guests can raise concerns and seek recompense for mis-representation of a listing through Airbnb's Resolution Centre to deal with the specific instance of mis-representation. Guests can also escalate their concerns directly to Airbnb when not satisfied with a host's response to Airbnb's resolution process. Further, guests can provide feedback on the listing during the review process which is designed to drive quality by establishing a fair framework for both hosts and guests to review each other in accordance with our review guidelines.

Airbnb seeks that 7.2.3 be amended to: "The Commissioner may record on the exclusion register: (a) a host, only for the reasons specified under 7.2.5, (b) a host in relation to particular premises, or (c) a guest." Save for the reasons specified under 7.2.5 which concern the public interest, hosts on the exclusion register ought to only be prohibited from listing the premises they received complaints for, and not all listings under the host's name.

Airbnb proposes that 7.2.7 be amended to include booking platforms as one of the recipients of notification from the Commissioner as well, to enable booking platforms to comply with their obligations with respect to the exclusion register in a timely manner, and especially bearing in mind that failure to do so attracts a civil penalty for booking platforms.

Airbnb proposes that the application window for a review under 7.3.3 be extended to 6 months. The current provision of 21 days is harsh on applicants, especially given the multiple considerations one has to take into account in deciding whether to pursue a review. A participant will likely need additional time to seek legal advice, collect evidence, consult other relevant parties or advisors, and also consider the resources in pursuing a review (financial or otherwise).

Airbnb proposes that 7.3 of the Code of Conduct specify whether one can further appeal a decision of the Secretary, and if so, how.

Fees and cost recovery

Airbnb is committed to ensuring that the Code of Conduct can be administered in a low-cost, efficient, and effective manner to achieve its goals to provide adequate compliance functions and oversight of the STRA industry. Airbnb appreciates the NSW Government's intention that the Code of Conduct be a cost-neutral exercise for the NSW Government. It is difficult, however,

to comment directly on the methods for how the costs required for the administration of the Code of Conduct may be funded given the costs involved are not-currently known nor even estimated.

Airbnb would suggest that, dependent on an accurate estimation of the cost involved, that an initial model to seed-fund this administration for up to one year would be adequate, and which would be provided in equal amounts by booking platforms. During the first year of the application of the Code of Conduct, measures should be adopted to allow for a cost-recovery model to be implemented whereby financial penalties issued to industry participants through the complaints disputes process can be hypothecated to ongoing costs involved in administration of the Code of Conduct.

However, given the overall or initial administration costs have not been declared, Airbnb cannot at this stage commit to this proposal and respectfully seeks to meet with the NSW Government to progress this discussion.

Commencement date for STRA regulatory framework

Given the substantive changes under the NSW Government's whole-of-government approach to reforming STRA, Airbnb suggests that industry and the NSW Government work closely on educational resources to inform hosts, guests, industry participants, and the community about the changes to STRA rules. Global best practice has shown that where booking platforms and governments can partner on compliance efforts and implementation of rules, there is a clearer understanding of regulatory changes for hosts. Given the need to develop these resources and to progress any updates to booking platform websites, Airbnb suggests a staged implementation of the regulatory framework. We suggest the following timeframe for the implementation of the planning instruments, *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018*, and the Code of Conduct to take effect from 1st July 2020. Airbnb recommends that a transition period be enacted for 6 months to allow adequate educational campaigns to be undertaken by industry and the NSW Government before which disciplinary action can be taken under the Code of Conduct and the exclusion register comes into force. During that transition period, a strike cannot be issued by the Commissioner, however warning notices and directions can be issued.

Review of regulatory framework after 12 months

Airbnb supports the NSW Government's intention to undertake a review of the STRA regulatory framework within 12 months after the whole-of-government reforms have commenced. Airbnb recommends that this be undertaken 12 months after the end of the transition period noted above, that is, after 1st January 2022. Airbnb supports the framework suggested by the NSW Government and the scope for the review.

Conclusion

We look forward to working with the NSW Government in relation to these issues, and would be pleased to engage in discussions and provide additional information which would be helpful for the NSW Government's deliberations.

As the outcomes of the STRA regulatory framework will affect our community and their hosting activity, we would appreciate the opportunity to meet with appropriate NSW Government representatives to talk through this submission in detail.

[REDACTED]

Appendices / See also:

- Tasmanian Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes:
https://www.planningreform.tas.gov.au/__data/assets/pdf_file/0007/441493/Planning-Directive-No.6-Exemption-and-Standards-for-Visitor-Accommodation-in-Planning-Schemes-as-modified-1-August-2018.pdf
- South Australian Advisory Notice Building 04/16:
https://www.saplanningportal.sa.gov.au/__data/assets/pdf_file/0007/285352/Building-advisory-notice-04-16-Administration-Application-of-the-change-in-use-provisions-dwelling.pdf



10 September 2019

Att: Director, Housing and Infrastructure Policy

NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

For electronic submission

Dear Director,

Airbnb Submission: Short-term Rental Accommodation -- A new regulatory framework: Discussion paper

Thank you for the opportunity to comment on the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper*.

Executive Summary

- Airbnb's community continues to support the growth of the visitor economy in New South Wales (NSW), providing more choice of accommodation for consumers in more locations across a variety of price points.
- Airbnb's community is an important contributor to the NSW economy. The latest research shows that in one year alone, Airbnb guests who stayed in NSW spent \$1.2 billion, which supported more than 7,300 jobs and contributed \$987 million to Gross State Product.
- Airbnb supports the NSW Government's whole-of-government approach to regulating short-term rental accommodation (STRA). However we suggest some specific amendments which are contained in this submission.
- Airbnb supports the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) provisions for exempt development for hosted and un-hosted STRA.
- However, Airbnb notes that the SEPP provisions for complying development are unworkable, and so opposes them and urges the NSW Government to consider the real impact of these provisions on STRA throughout NSW, particularly in regional and coastal communities which depend on STRA to support their visitor economies. If the requirements are necessary they should be generally applicable and not imposed selectively on STRA. Airbnb submits that this be replaced with more comprehensive, practical measures regarding emergency safety in concert with Airbnb's disaster response initiatives outlined in this submission.

- Airbnb supports the approach to thresholds on the number of days a dwelling can be used for STRA which provides for a distinction between Greater Sydney and the regions. However, we respectfully request that the Blue Mountains City Council be excluded from the definition of Greater Sydney.
- Airbnb requests that the proposed safety provisions set out in Table 2 of the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper* detailing safety requirements be replaced with clearer, more practical provisions set out below in Table 1 of this submission.
- Airbnb requests that the anti-family provision for two *persons* per bedroom be rejected and be replaced with a provision for two *adults* per bedroom or the permissible limits for the dwelling under the existing planning consent. Many Australian homes have bunk beds sleeping 4 or more in a room and many families with children over 18 travel together.
- Airbnb supports the Code of Conduct, however, recommends a number of proposed changes to allow for a more representative, fit-for-purpose, and workable Code of Conduct.
- Airbnb opposes the establishment of a wholesale, onerous STRA property register for any person sharing any space or home, however occasionally that may be. Any registration model would introduce an onerous regulatory burden without improving outcomes, it will act as a barrier-to-entry for participants in the home sharing economy, will place at risk the future economic growth of the industry, impacts the choices available to consumers, and would mean fewer travellers using STRA and contributing positively to the visitor economy.
- Airbnb recommends that the NSW Government develop a data-sharing approach to compliance which would help ensure that there is a strong understanding by the community of, and integrity in compliance with, the STRA regulatory framework in NSW. Additionally, such a framework would provide valuable data to the NSW Government to inform evidence-based policy-making.

About Airbnb

Founded in 2008, Airbnb exists to create a world where anyone can belong anywhere, providing healthy travel that is local, authentic, diverse, inclusive and sustainable. Airbnb uniquely leverages technology to economically empower millions of people around the world to unlock and monetize their spaces, passions and talents to become hospitality entrepreneurs. Airbnb's accommodation marketplace provides access to 6+ million unique places to stay in 100,000+ cities and 191 countries and regions. With Experiences, Airbnb offers unprecedented access to local communities and interests through 40,000+ unique, handcrafted activities run by hosts across 1,000+ markets around the world. Airbnb's people-to-people platform benefits all its stakeholders, including hosts, guests, employees and the communities in which it operates.

The Airbnb community in New South Wales

Airbnb has continued to grow into a significant presence in NSW, and it plays an increasingly vital role in the visitor economy. The Airbnb Homes platform is used by a broad spectrum of hosts, ranging from people who make extra income from sharing space in their own homes, to the long established holiday letting industry, and even to operators of hotels and serviced apartments who are increasingly listing their businesses on our platform. The Airbnb Experiences platform is used by hosts who are creatives, artisans, and small businesses as an online platform to share their passion with the world and unlock their time and potential to create new economic activity.

We have a large community of people across NSW for whom sharing their home or space is now a vital source of supplemental income. The supplemental income earned helps hosts ease the cost-of-living or pay the mortgage or bills. In 2018, 47 per cent of Airbnb hosts in NSW said that sharing their spaces on our platform helped them afford to stay in their homes, 42 per cent said they relied on their Airbnb earnings to make ends meet, and 29 per cent of hosts said their Airbnb earnings went directly to their housing costs, such as paying their mortgage or rent.¹ Importantly, the supplemental income earned by home sharing particularly helps older or retired persons remain in their homes and communities.

Home sharing also helps build resilient communities and robust economies by increased visitation and spending by Airbnb guests, often in areas that do not traditionally benefit from the tourist dollar. This is especially important in regional communities which may not have adequate traditional accommodation infrastructure to support the visitor economy, or may not be able to attract investment to build new accommodation for the growing visitor economy.

Airbnb's contribution to the New South Wales economy

Driven by a desire for more local and authentic experiences, more travellers from Australia and the world are turning to the Airbnb platform. In the past twelve months to 1st June 2019, our Homes community welcomed over 2.7 million guests across the state - both domestic and international travellers² - in 70,300 active Airbnb listings in NSW.³

As our community grows, it creates more jobs in local cafes, shops and businesses across New South Wales. A recent report by Deloitte Access Economics — *Economic contribution of Airbnb in NSW for 2017: an update* — found that in 2017 Airbnb guests who stayed in NSW spent \$1.2 billion, which supported 7,300 jobs, including more than 2,500 jobs in areas outside Sydney in brick-and-mortar businesses such as cafes, restaurants, and retailers, and contributed \$987 million to Gross State Product. We would expect these contribution numbers to have grown, along with our community of hosts and guests, since 2017. The report also found that the typical

¹ Airbnb host survey data. This survey was conducted in January 2018 with 1,594 survey respondents.

² Estimated from Airbnb internal data.

³ Airbnb internal data.



Airbnb guest spends more than \$211 per day in New South Wales - with more than 39 cents in every Airbnb guest dollar going to local cafes, restaurants and retailers.

In addition to visitor spending, the home sharing economy is supporting the growth of ancillary services — such as domestic cleaning and property management — facilitated by some Airbnb hosts who prefer to engage professional services to manage their listings and bookings.

Importantly, the growth of the Airbnb community supports the NSW Government's *Visitor Economy Industry Action Plan 2030* which aims to grow overnight visitor expenditure to \$55 billion by 2030 and put visitors at the centre of decision-making.

Short-term Rental Accommodation -- A new regulatory framework: Discussion paper

Airbnb is generally supportive of the NSW Government's reform approach, however we have some major caveats. As such, the comments below in this section of the submission are reserved for selected provisions Airbnb wishes to provide feedback to the NSW Government.

Proposed industry-led STRA property register

Airbnb holds strong concerns about any wholesale or onerous registration model for STRA in NSW. NSW has undertaken a comprehensive consultation process leading up to the NSW Government's whole-of-government reform approach. This process has actively canvassed a range of views from diverse stakeholders in the sector and broader community. Through this lengthy process of consultation and reform, at each stage of the policy-making process a registration model has been rejected and the NSW Government has undertaken public commitments to not pursue a registration model.

Legislative Assembly Committee on Environment and Planning

After eighteen months of investigation, the Parliament's Legislative Assembly Committee on Environment and Planning - with representatives from the Liberals, Nationals, Labor, and Greens - released its unanimous report on 19 October 2016 - *Adequacy of the Regulation of Short-term Holiday Letting in New South Wales* - which found that: "On balance, we conclude that the costs of establishing a business registration model for STRA outweigh the advantages. STRA is already subject to land use planning and consumer regulation, and generally complaint levels are low. A registration model would be an expensive and bureaucratic response to what is a mostly low impact activity. It would transfer resources from managing problem properties to managing compliant ones. The pragmatic response which councils take now to responding to complaints would be replaced by the task of administering the registration of all STRA, the vast majority of which are not causing problems." The Committee further highlighted that "the EP&A Act is sufficient to regulate STRA."

Short-term Holiday Letting in NSW Options Paper

Following the Committee's report, the NSW Government developed a *Short-term Holiday Letting in NSW Options Paper* to conduct further consultation with the industry and the community. The *Options Paper* actively considered registration "to manage safety and amenity issues" and "to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met". The majority of responses to this consultation rejected the idea of compulsory, wholesale registration with over 5,000 of the 8,000 submissions stating opposition to the implementation of a registration system.

NSW Government's Whole-of-Government Approach

Following the *Options Paper* process, the NSW Government announced its whole-of-government approach with a two-pronged approach to create 1) a Code of Conduct to set mandatory, industry-wide standards and best practice and 2) a planning response to set out a clear framework for how a host could share their home.

During the Parliamentary debate on the *Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018*, members of the NSW Government made public commitments to not change the way in which the industry has operated for decades in NSW by way of introducing a compulsory registration system. With regards to enforcement and compliance of the NSW Government's reforms, The Hon. Scott Farlow stated in the Legislative Council debate that took place on 14 August 2018 on the *Bill* that: "The code of conduct will provide the opportunity to supplement these enforcement options through data sharing. This will be looked at through the development of the code of conduct. However, there are already mechanisms to ensure that planning laws are complied with. The Opposition also raised the idea of a registration system and costs. A registration scheme would add a significant regulatory burden on an industry that has existed for decades in this State without it. The Government does not propose to change that system. It would also be difficult to enforce, with more than 70,000 properties needing to be registered in circumstances where the property may be placed on the short-term rental market and taken off it on a regular basis."

The NSW Government's previously exhibited *Explanation of Intended Effect : Short-term Rental Accommodation Planning Framework* reiterated the Committee's findings and stated that: "The existing planning system has strong compliance measures to address land use permissibility and compliance with planning legislation. Division 9.2 of the EP&A Act provides investigative powers which councils may apply where property owners are in breach of their consent. These powers cover investigation and authorisation, entry and search, obtaining information, and recording evidence."

Onerous registration for STRA is unnecessary and unfair. Our community would be concerned about any moves to implement a registration system that would affect their choice to share their

homes by burdening hosts with costly red tape, or otherwise act as a barrier-to-entry in the home sharing economy.

It is also unclear what it is meant to achieve, in light of the proposed Code of Conduct and planning instruments which already address all planning approval requirements, safety, and amenity issues. Under the draft Code of Conduct, 5.1.3 sets out broad information gathering powers granted to the Commissioner whereby all industry participants are subject to a “request made by the Commissioner to produce information relating to the operation of the short-term rental accommodation industry or this code”. Below in this submission Airbnb sets out how under this section of the Code of Conduct the NSW Government could establish an obligatory and industry-wide framework for data sharing which would be both light-touch for industry to implement, and provide the NSW Government with both the information to enforce compliance with the regulatory framework and valuable data from which to make reasoned, evidence-based policy.

The expectation that industry would fund, develop and administer a STRA register is unreasonable. By the NSW Government expecting industry to use its existing data and systems to develop a register that will be publicly available, it is expecting Airbnb to disclose its valuable proprietary and confidential information. There is no clarity on how this burden will be split amongst industry and there are no protections preventing competitors from exploiting this valuable data to market to Airbnb's community of users. In fact this extensive sharing of user data amongst industry does not appear permissible having regard to privacy obligations to users.

In addition, the proposed level of coordination between competitors would appear to contravene some areas of competition law. Most significantly, the amount of data available on such a register will attract all forms of security breaches and crime, including burglary, identity theft, and illegal marketing practices. We respect our users' privacy and have built in numerous measures to safeguard their privacy. For example, the address and contact details of a host is only disclosed to a guest after a booking is made. That is to say, sensitive information is only disclosed to users when a user commits to registering an account with all attendant security checks, logging in and making a traceable payment. The proposed register would undermine these important security protocols.

An industry-administered register will only be as robust as the industry that participates in it. The NSW Government will have no meaningful way of ensuring non-compliant platforms (especially those offshore) participate equally in the register. The inevitable outcome is that to circumvent applicable day thresholds users will list on non-compliant platforms instead, causing the participating industry to suffer an exodus of users, and proving the ineffectiveness of such a register.

Finally, such a model, if implemented, would undermine New South Wales competitiveness as a tourism destination. Currently, no other state or territory in Australia mandates a wholesale registration process for all people who share their own homes. Any registration model which acts as a barrier-to-entry for participants in the home sharing economy risks the future economic growth of the industry, impacts the choices available to consumers, and would mean fewer travellers using Airbnb and contributing positively to the visitor economy.

In light of these reasons, we would ask the NSW Government to honour its past commitments and support people's choice to responsibly share their home without navigating onerous red tape. A STRA register is not a necessary part of the proposed regulatory framework.

Data Sharing

Throughout the almost four years of consultation, the Airbnb community has participated in good-faith in the policy-making processes the NSW Government has undertaken, and continues to be committed as a partner and collaborative industry stakeholder to ensure that the NSW Government's reforms can be implemented and complied with.

In this vein, Airbnb considers an approach which sees industry share data - with adequate safeguards to protect privacy - as the best, light-touch method of providing regulators with the information to enforce compliance with the NSW Government's policies. This is an approach which is currently being undertaken in Tasmania where the Tasmanian Government has passed legislation - with the support of Airbnb and our community - to mandate compulsory data sharing by platforms to help enforce compliance with the state's planning policy.

Coupled with a well-resourced education campaign by industry, a data-sharing approach to compliance would help ensure that there is a strong understanding by the community of, and integrity in compliance with, the STRA regulatory framework in NSW.

Planning Instruments

Broadly, Airbnb supports the clear regulatory framework adopted by the NSW Government that allows our host community to responsibly share their own homes without the need for burdensome red tape such as development approvals, restrictive caps or other restrictions, and a clear, simple framework for non-principal places of residences, such as holiday homes.

Noting our broad support for the STRA planning framework, Airbnb is deeply concerned by specific measures detailed below which are unduly onerous and will pose significant compliance barriers for people wishing to participate in the home sharing economy.

Airbnb requests that consideration be given to a number of amendments relating to the proposed provisions for the sake of clarity and to ensure that the measures proposed in the final

regulatory framework can be practically applied whilst maximising the benefits of STRA and implementing adequate safety measures.

State Environmental Planning Policy (Short-term Rental Accommodation) 2019

Notwithstanding our comments below, Airbnb supports the provisions in the SEPP which provide our community of hosts with certainty and clarity to share their homes. The approach which provides exempt development pathways for hosted STRA with no nightly restrictions and for un-hosted STRA with a 180 day threshold is an innovative approach to STRA, and one which strikes the right balance in regulating the industry.

Definition of Greater Sydney

Airbnb supports the approach to thresholds on the number of days a dwelling can be used for STRA, including the distinction between Greater Sydney and the regions.

However, we respectfully request that the Blue Mountains City Council be excluded from the definition of Greater Sydney. The Blue Mountains City Council encompasses a broad area from suburbs in the lower Blue Mountains through to the upper Blue Mountains. The distinction between the different parts of this LGA can be recognised to delineate areas where STRA can be allowed up 365 days per year to support the accommodation needs of the area, whilst allowing discretion to the Council to reduce that number in areas which are within a closer commuter distance to Sydney. Airbnb seeks that Blue Mountains City Council thus be excluded from the definition of Greater Sydney.

Stays of 21 days or longer

Airbnb welcomes the proposed change to exclude stays of 21 days or longer from contributing to the 180 day threshold. Airbnb supports the reasons outlined by the NSW Government in support of this change. Whilst STRA is generally a low-impact activity which is ancillary use to residential dwellings, this change acknowledges that longer-term stays present an even lower-impact on amenity. This is a reasonable approach which recognises that the accommodation needs of people are changing and the growing demand for this kind of accommodation to support populations such as mobile workers and students whose needs can continue to be supported by STRA in NSW.

Complying Development Pathways

Airbnb has strong concerns regarding the proposal for STRA on bushfire prone land or flood control lots to be considered complying development. Whilst the proposal is well intentioned and on the surface appears to be measured, this approach will likely result in a series of unintended consequences.

Firstly, there is no evidence of the need to introduce this requirement where this STRA-type land use activity has been occurring without the need for a complying development certificate

(CDC) for holiday homes throughout the state for decades. If this proposal were to proceed, homes which have been safely used by hundreds of families and holiday-makers would suddenly be required to have certification with no compelling reason to support the change.

Secondly, if implemented, this proposal would present a significant compliance cost for potentially thousands of homes which have been used as holiday homes for decades. This cost will be borne by the homeowner, and the significant costs of gaining a CDC will likely act as a deterrent to listing dwellings for STRA.

Thirdly, it is likely that this change would disproportionately affect regional and coastal communities. This proposal potentially requires higher-compliance barrier for hosts in the regions and coastal communities - communities which are reliant on STRA to provide accommodation to support their visitor economies. Regional and coastal visitor economies are more reliant on STRA to provide accommodation and this proposal risks negative follow-on effects as fewer homeowners choose to list their holiday homes on platforms like Airbnb, leading to fewer STRA properties which means less choice and higher-prices for consumers.

Fourthly, the proposal would make the compliance cost for hosts sharing their own homes whilst away on holiday so high that it would not be economical for many to even consider listing their homes on Airbnb (or other platforms). This would unfairly penalise those hosts who share their homes for only a few weeks per year, and who would (under this proposal) be required to obtain a CDC which could cost hundreds, potentially thousands of dollars, only to exercise their choice to share their home for a few weeks per year. Dependent on the cost of the CDC and the income earned by a host in this instance, the return on investment could take several years to be realised.

Finally, the provisions outlined in the SEPP at 13(g) and (h) relate to material requirements that a property would (if implemented) be required to satisfy. It is not clear how these would apply specifically to STRA use of a property versus ordinary residential use. It appears that these are requirements to assist with emergency response measures in the event of a bushfire (such as a 10,000 litre water tank), and consistent with Airbnb's previous submissions, we submit that any material safety requirements for a dwelling should be agnostic to the activity that occurs at the property. If these requirements are needed to support emergency response measures, those requirements should stand apart from any STRA requirements and apply to the dwelling regardless of its use.

Put simply, where a property is located on bushfire prone land or a flood control lot and has been deemed safe for existing residential use in compliance with all relevant planning approvals, there should not be additional, significant burdens placed upon those hosts for engaging in STRA. Consistent with our previous submissions, Airbnb supports workable measures to deal with safety and emergency management. Airbnb has developed online tools

and response programs to support government authorities in times of natural disaster. Airbnb's sophisticated technology allows real time and up-to-date communication directly with both guests and hosts who might be affected by a natural disaster, including bushfires.

Airbnb has pioneered initiatives across the world and in partnership with a growing network of government and relief agencies. We provide disaster and emergency preparedness educational materials to Airbnb hosts, help arrange community emergency preparedness trainings with local experts, and use Airbnb communication channels to notify hosts and guests about emergencies. Locally, Airbnb has established partnerships in Australia with Emergency Management Victoria and the Australian Red Cross on disaster response programs and training, and we would be interested in developing similar partnerships with the NSW Government and its agencies to ensure the safety of our host and guest community in partnership with emergency services, as well as supporting the broader community in times of natural disaster or crisis.

Airbnb strongly opposes the complying development provisions of the SEPP and requests that the NSW Government withdraw these provisions. In the alternative, we request that the Government at least provide for a "home-sharing exemption", which would allow for un-hosted STRA in a host's primary home as exempt development. This principle - where regulations distinguish between a primary and a non-primary home - has been implemented in Tasmania (in that case to allow for a host's primary home to be used for hosted and un-hosted STRA without submitting permit applications to a local council).

Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019

Airbnb supports the introduction of clear, consistent, minimum safety standards and evacuation requirements for properties used for STRA. Generally, these provisions should be consistent with (and not more onerous than) the Building Code of Australia and the provisions set out for the relevant residential dwelling.

Airbnb seeks a number of changes to the proposed *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* to provide for clear and streamlined approaches which protect both host and guest safety without the need for onerous alterations or additions to properties.

Airbnb proposes that the overarching planning principle and philosophy which should guide these regulations is that if a home is fit for existing residential use (i.e., an approved residential dwelling), then it should not require additional or unreasonably onerous burdens be placed upon hosts simply because they engage in home sharing or STRA.

The *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* sets out the proposed safety requirements applying to dwellings used for STRA. These

provisions are summarised in Table 2 of the *Short-term Rental Accommodation -- A new regulatory framework: Discussion paper*.

Airbnb requests that the provisions in Table 2 be rejected and instead be replaced with those suggested in Table 1.

Table 1. Proposed safety requirements applying to dwellings used for STRA

Dwelling type	Recommended standard
All dwellings	<ul style="list-style-type: none"> • No more than 2 adults⁴/bedroom, or the permissible limits for the dwelling under the existing planning consent • Installation of smoke alarms, either hard-wired or battery operated⁵, in compliance with the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006⁶ • Installation of a fire extinguisher and fire blanket in the kitchen or kitchenette • Making a simple Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system
Dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings)	<ul style="list-style-type: none"> • Entry doors should be openable from inside the dwelling without a key

Airbnb requests that the provision for no more than two *persons* per bedroom or 12 persons, whichever is the lesser to be removed from the proposed STRA planning framework. We recommend that this be replaced with a provision that allows for no more than two *adults* per bedroom, or the permissible limits for the dwelling under the existing planning consent. As it is currently proposed, the provision for two persons per bedroom would expressly prohibit parents sleeping in a bedroom along with their newborn baby or child, a practice which is quite common

⁴ This change would narrow the definition to adults, not persons.

⁵ The Australian Standard (AS) 3786–1993 for smoke alarms allows for these alarms to be hard-wired (powered from the mains electricity supply) or battery operated at the owners' choice. See <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/smoke-alarms-new-smoke-alarm-requirements-owners-of-houses-residential-flats-and-units-2006-03.pdf>.

⁶ The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 sets out the applicable requirements on location of smoke alarms by building class. As STRA occurs in residential property (Classes 1a, 2 to 9 buildings), hosts ought to comply with the requirements applicable to these Classes, and not to a higher standard applicable to commercial buildings.

in the usual residential use of a dwelling. It would also, for example, prohibit those holiday homes which currently have large bunk rooms, where e.g. 4 or 6 people (usually children) can stay together comfortably and safely, whilst adults stay in other rooms. These activities are quite common for families using STRA, and if the proposed safety requirements are not altered this provision would prohibit the thousands of families who use Airbnb accommodation for their holidays from undertaking normal, safe behaviour which is ordinarily practiced in family homes across NSW. It would also expressly prohibit STRA activity in dwellings which have existing planning consent that exceed the proposed limit of 12 persons, and which is consistent with normal behaviour in residential dwellings.

These are practical and consistent requirements for all dwellings used for STRA to provide for the safety of hosts, guests, and the broader community.

Planning frameworks in other jurisdictions

If the SEPP is not altered and is implemented as proposed, hosts in NSW would face the most onerous compliance requirements for home sharing or STRA of any jurisdiction in Australia. Airbnb has long argued that STRA should be considered ancillary use of a property, and one which requires no substantial alterations or onerous measures required to satisfy the safe and responsible use of a property by STRA guests.

In Australia, as other state governments have implemented reforms to their regulatory STR frameworks, policy-makers have repeatedly made it clear that home sharing is not a substantive change-of-use, or one which should require onerous (or in many cases any) planning adjustments or consents. Both the South Australian and Tasmanian planning ordinances defer to the habitability of the dwelling as the gateway to conducting STRA, with no extra, onerous requirements for a host to make their dwelling fit for purpose.

South Australia has issued a clear advisory notice which provides guidance with regard to how STRA can be approached and it makes clear that the use of a dwelling does not require material changes. The advisory notice states: “a dwelling will remain a dwelling if it is occupied sporadically; let out during holiday periods to short term occupants; let for short term use; or if the owner lives overseas or interstate and uses it occasionally and then for relatively short periods. Unless development is undertaken to physically alter the dwelling such that it is no longer a dwelling, it remains a dwelling.”

In Tasmania, the Tasmanian Government has implemented a bifurcated approach with compliance pathways for STRA covered either by a “home sharing exemption” or permitted use. In both instances, properties are considered ancillary use of the dwelling with no complex planning requirements for hosts to navigate.

Airbnb encourages the NSW Government to consider the planning frameworks in both Tasmania and South Australia as it finalises the details of the planning instruments which will regulate STRA in NSW.

Code of Conduct and supporting Amendment Regulation

Airbnb welcomes the establishment of a fit-for-purpose and representative Code of Conduct, and appreciates the NSW Government's invitation for us (along with other industry representatives) to have participated in the Code of Conduct formulation process.

Airbnb supports the proposed measures set out in the draft Code of Conduct and the clarity regarding rights and responsibilities for participants in the STRA industry. Specifically, Airbnb is supportive of the overarching aim of the draft Code of Conduct to address instances of anti-social or disruptive behaviour which affects local communities. Whilst these instances are rare and isolated, Airbnb supports a crackdown on bad behaviour which will address community concerns and provide avenues to dispute resolution and resolving complaints.

Exclusion register

The creation of the proposed exclusion register, as a mechanism to enforce compliance, will provide integrity and faith in the policy ambitions of the NSW Government to address bad behaviour. The exclusion register will require adequate safeguards to protect the privacy of hosts and guests listed, specifically around the protection of personally identifiable information. Airbnb suggests that this information be stored in a database that is accessible only to industry participants comprising letting agents, facilitators, and booking platforms. This could be facilitated by the establishment of a whitelist of those industry participants.

The benefit of a whitelist directory is that it encourages non-compliant industry participants to comply with the Code, if hosts are only permitted to use the services of letting agents, facilitators and booking platforms on the directory. This will help overcome the jurisdictional challenges of enforcement against offshore industry participants that the Commissioner will inevitably run into. Having industry participant details on the directory will also enable the Commissioner to notify these industry participants when there are changes to the exclusion register, which in turn enables booking platforms to comply with their obligations with respect to the exclusion register.

At the same time as Airbnb supports the protection of personally identifiable information from broad publication, Airbnb appreciates that strata communities could benefit from notification if a host or a STRA premises within their strata scheme is included on the exclusion register. Airbnb anticipates that this information could be shared directly by the Commissioner to the strata scheme or the community scheme affected with penalties for any dissemination or further publication.

Complaints and disciplinary action

Airbnb is satisfied that within the NSW Government's proposed framework there are adequate provisions to protect industry participants from complaints that are frivolous, vexatious, trivial, misconceived or without substance, and would request the NSW Government's vigilance on this if the Code is implemented. Airbnb supports the discretionary powers to provide for graduated and staged-interventions and disciplinary action, to allow warning notices and directions before a strike is administered. This provides adequate remit to the Commissioner to use discretion and apply commensurate disciplinary action before a strike is recorded. The Code of Conduct should retain these provisions to ensure that there is a workable framework for interventions that are directly related to the seriousness of the contravention of the Code of Conduct. Additionally, the provisions that provide rights of appeal during the complaints process and to seek a review in response to the issuance of disciplinary action are in accordance with long established principles of natural justice. These provisions should be retained in the Code of Conduct to ensure a workable and fair framework which will provide clarity and certainty for industry and the STRA community.

Recommended changes to the draft Code of Conduct

Notwithstanding Airbnb's overall support of the draft Code of Conduct, Airbnb recommends that the specific provisions in the draft Code of Conduct be amended per our comments below. These changes are sought to ensure that the Code of Conduct is practicable and works for industry and the community. The requested changes will have meaningful outcomes to support the Code of Conduct and the economic outputs of the STRA industry.

Airbnb seeks that a further principal objective be added as a new 2(e): "to support short-term rental accommodation as a home sharing activity and contributor to local economies."

Airbnb proposes that the obligation under 5.2.1 on booking platforms (and under 5.3.1 on letting agents) to inform industry participants come into effect *upon* (and not *before*) the participant entering into a STRA arrangement. The Code of Conduct will only be relevant to guests seeking to book listings in NSW, and not the full universe of guests. As it is not possible to predict whether a guest will book a listing in NSW or elsewhere, we propose that booking platforms be permitted to satisfy this obligation by referencing the Code of Conduct in the booking confirmation email that is sent immediately after the booking is completed.

Airbnb seeks that 5.1.3 be amended to: "An industry participant must comply with a request made by the Commissioner to provide information relating to the operation of the short-term rental accommodation industry or this code, where such information is necessary to enable the Commissioner to monitor, evaluate and inform the further development of the regulatory framework for STRA." Bearing in mind that 5.1.3 is an offence provision under the Act, these amendments are necessary to clarify that there is no obligation on an industry participant to create new information ("produce" can mean "create" or "provide"). In view of privacy

considerations, we also recommend that the Commissioner's subsequent use of the information be subject to reasonable restrictions, such as those set out in section 8 of the Tasmania Short Stay Accommodation Act 2019.⁷

Airbnb seeks that 5.4.3 and the obligations for a host to hold public liability insurance be clarified to such that this obligation is satisfied if the host's booking platform provides insurance for a STRA arrangement. That is, the Code of Conduct should expressly make clear that the host should be allowed to avail of insurance directly or via the booking platform. This is particularly significant for hosts who may only use a booking platform from time-to-time when they are not using their home themselves, and whose insurance risk profile would likely be lower given the hosting activity is on a casual basis. Booking platforms are well-positioned to, where appropriate, provide insurance that protects hosts and guests. Airbnb has led the STRA industry in this respect, and to give hosts the extra peace of mind that they need to open their homes to visitors, we have developed a Host Guarantee Program⁸ and a Host Protection Insurance⁹ to help protect Australian hosts. Each trip booked on Airbnb in Australia is covered by these two programs. This change - whilst minor - is significant insofar as 7.1.3(c) sets out that the failure to comply with host insurance obligations is the basis on which a strike can be issued. If this provision is left unchanged, the outcome could present significant barriers to home sharing inconsistent with and ignorant of the best-practice in the industry which are currently working. Airbnb seeks that 7.1.3(c) - the provision that failure to comply with host insurance obligations be regarded as the basis on which a strike can be issued - should be removed if the final Code of Conduct does not include a provision for a host to avail of insurance directly or via the booking platform.

Airbnb seeks that the references to "short-term rental accommodation industry" in 5.4.9 and 5.5.7 be replaced with "short-term rental accommodation arrangement". The term "short-term rental accommodation industry" is not defined, and the lack of clarity could inadvertently lead to confusion (especially amongst international guests) as to whether the restrictions are limited to activities in relation to listings in NSW as so intended.

Airbnb seeks that the phrase "and the failure is not minor" under 7.1.3(a) and 7.1.3(c) be amended to "and the failure is serious", given the gravity of the consequences that such breaches warrant, that is, the recording of a strike. Such amendments will also bring 7.1.3(a) and (c) in line with 7.1.3(d) and 7.1.4.

Airbnb requests that 7.1.3(b) be removed from the Code of Conduct. Airbnb supports the inclusion of 5.4.2 in the Code of Conduct to provide certainty for guests when booking a premises for rent and place obligations on the host to ensure any representation of the premises

⁷ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2019-012#GS8@EN>.

⁸ <https://www.airbnb.com.au/guarantee>.

⁹ <https://www.airbnb.com.au/host-protection-insurance>.

is true and accurate. However, Airbnb suggests that including a contravention of this obligation as the basis for a strike is a significantly severe punishment for a relatively minor contravention. For example, a host may specify in the listing description that WiFi is available; however a previous guest uses up all of the host's data cap for the WiFi resulting in subsequent guests getting slow/no WiFi connectivity for the rest of that month. It would be a misstep for a minor contravention such as this, to warrant a strike. Industry best-practice developed by Airbnb provides adequate measures to mediate instances of misrepresentation of a listed property. For example, Airbnb guests can raise concerns and seek recompense for mis-representation of a listing through Airbnb's Resolution Centre to deal with the specific instance of mis-representation. Guests can also escalate their concerns directly to Airbnb when not satisfied with a host's response to Airbnb's resolution process. Further, guests can provide feedback on the listing during the review process which is designed to drive quality by establishing a fair framework for both hosts and guests to review each other in accordance with our review guidelines.

Airbnb seeks that 7.2.3 be amended to: "The Commissioner may record on the exclusion register: (a) a host, only for the reasons specified under 7.2.5, (b) a host in relation to particular premises, or (c) a guest." Save for the reasons specified under 7.2.5 which concern the public interest, hosts on the exclusion register ought to only be prohibited from listing the premises they received complaints for, and not all listings under the host's name.

Airbnb proposes that 7.2.7 be amended to include booking platforms as one of the recipients of notification from the Commissioner as well, to enable booking platforms to comply with their obligations with respect to the exclusion register in a timely manner, and especially bearing in mind that failure to do so attracts a civil penalty for booking platforms.

Airbnb proposes that the application window for a review under 7.3.3 be extended to 6 months. The current provision of 21 days is harsh on applicants, especially given the multiple considerations one has to take into account in deciding whether to pursue a review. A participant will likely need additional time to seek legal advice, collect evidence, consult other relevant parties or advisors, and also consider the resources in pursuing a review (financial or otherwise).

Airbnb proposes that 7.3 of the Code of Conduct specify whether one can further appeal a decision of the Secretary, and if so, how.

Fees and cost recovery

Airbnb is committed to ensuring that the Code of Conduct can be administered in a low-cost, efficient, and effective manner to achieve its goals to provide adequate compliance functions and oversight of the STRA industry. Airbnb appreciates the NSW Government's intention that the Code of Conduct be a cost-neutral exercise for the NSW Government. It is difficult, however,

to comment directly on the methods for how the costs required for the administration of the Code of Conduct may be funded given the costs involved are not-currently known nor even estimated.

Airbnb would suggest that, dependent on an accurate estimation of the cost involved, that an initial model to seed-fund this administration for up to one year would be adequate, and which would be provided in equal amounts by booking platforms. During the first year of the application of the Code of Conduct, measures should be adopted to allow for a cost-recovery model to be implemented whereby financial penalties issued to industry participants through the complaints disputes process can be hypothecated to ongoing costs involved in administration of the Code of Conduct.

However, given the overall or initial administration costs have not been declared, Airbnb cannot at this stage commit to this proposal and respectfully seeks to meet with the NSW Government to progress this discussion.

Commencement date for STRA regulatory framework

Given the substantive changes under the NSW Government's whole-of-government approach to reforming STRA, Airbnb suggests that industry and the NSW Government work closely on educational resources to inform hosts, guests, industry participants, and the community about the changes to STRA rules. Global best practice has shown that where booking platforms and governments can partner on compliance efforts and implementation of rules, there is a clearer understanding of regulatory changes for hosts. Given the need to develop these resources and to progress any updates to booking platform websites, Airbnb suggests a staged implementation of the regulatory framework. We suggest the following timeframe for the implementation of the planning instruments, *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018*, and the Code of Conduct to take effect from 1st July 2020. Airbnb recommends that a transition period be enacted for 6 months to allow adequate educational campaigns to be undertaken by industry and the NSW Government before which disciplinary action can be taken under the Code of Conduct and the exclusion register comes into force. During that transition period, a strike cannot be issued by the Commissioner, however warning notices and directions can be issued.

Review of regulatory framework after 12 months

Airbnb supports the NSW Government's intention to undertake a review of the STRA regulatory framework within 12 months after the whole-of-government reforms have commenced. Airbnb recommends that this be undertaken 12 months after the end of the transition period noted above, that is, after 1st January 2022. Airbnb supports the framework suggested by the NSW Government and the scope for the review.

Conclusion

We look forward to working with the NSW Government in relation to these issues, and would be pleased to engage in discussions and provide additional information which would be helpful for the NSW Government's deliberations.

As the outcomes of the STRA regulatory framework will affect our community and their hosting activity, we would appreciate the opportunity to meet with appropriate NSW Government representatives to talk through this submission in detail.

Sincerely,

[Redacted signature block]

Appendices / See also:

- Tasmanian Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes:
https://www.planningreform.tas.gov.au/__data/assets/pdf_file/0007/441493/Planning-Directive-No.6-Exemption-and-Standards-for-Visitor-Accommodation-in-Planning-Schemes-as-modified-1-August-2018.pdf
- South Australian Advisory Notice Building 04/16:
https://www.saplanningportal.sa.gov.au/__data/assets/pdf_file/0007/285352/Building-advisory-notice-04-16-Administration-Application-of-the-change-in-use-provisions-dwelling.pdf

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 3:48 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2010

Submission

Thank you for the opportunity to comment on this matter.

I am most concerned that the draft planning instruments, regulations and Code of Conduct proposed in relation to short-term rental accommodation which are currently on exhibition are seriously inadequate in regards to regulating short-term letting appropriately.

Over the past few years, short-term letting has become so prevalent that it has created unacceptable social and safety impacts. The current regulatory framework does not address these problems and would not ameliorate them. In fact, it appears that these draft proposals would make the current problems even worse as the regulations appear to favour short-term letting companies and their interests at the expense of other industries and the interests of the general community.

We were expecting a much more restrictive framework and are very concerned about what is currently proposed. It is not congruent with international best practice and should be reformulated with much tighter regulatory oversight.

As evidenced both in NSW and other international locations, short-term renting creates significant social problems, destroys the coherence of communities, imposes unacceptable negative impacts on local residents in terms of loss of amenity, noise, drunken behaviour, hygiene, garbage on the streets, over-population, over crowding, lack of housing affordability, lack of infrastructure, lack of social stability and congestion and creates serious safety risks, particularly in regards to fire. In addition, short term renting destroys the long-term rental market, harms the hotel and other industries and creates a range of negative social impacts.

In most countries, short-term rentals are being tightly regulated or banned due to the above-mentioned negative impacts. Yet the draft regulations proposed here are so lenient that they appear to have not taken into account these problems and would permit short-term renting to expand on an even more destructive scale.

We, like many other people in NSW, now oppose the legalisation of short-term rentals since they have increased in number and created an array of significant social problems. In particular, we oppose the renting out of entire houses or apartments where there is no supervision of short-term renters or the properties involved by a live-in occupant. We are also concerned about the flow-on legal effects and implications of legalising short-term rentals which we don't feel have been adequately canvassed.

If some form of short-term letting were to be permitted, there should be a thorough investigation into flow-on legal implications and regulations should be much more restrictive and comprehensive and strong enforcement mechanisms also included.

- They should completely prohibit entire houses being rented out for short-term rentals as they represent a serious fire risk, significantly impact resident and local amenity, are not overseen by long-term occupants

and destroy the long-term rental market at a time when housing affordability and over-population are serious problems in Sydney.

- The amount of time permitted for short-term rentals in homes (with it mandatory that a long-term occupant is also living there) should be restricted to 60 days not 180 days to stabilise the long-term rental market, improve housing affordability again and discourage opportunistic investors in this industry.

- There appears to have been a loophole inserted regarding excluding short term renting over 21 days from the cap. This should be removed.

- There should be a strict register established with all short-term letting properties listed with the exact number of days to be rented and clients involved clearly available, monitored and enforced and a licensing system introduced, as has been done in Barcelona, or they should have to register as businesses. Hefty fines should be introduced for those who do not comply with regulations (which is a significant problem both here and internationally).

- The number and type of properties able to be listed should be also be regularly reviewed and restricted as well as the numbers of people permitted to rent short-term to facilitate the provision of appropriate planning and infrastructure and to control over-population and housing affordability.

- There are no effective mechanisms in the draft plans for how to control overcrowding of properties or properties that are constantly used for partying (for example, until closed down (due to the illegal status of such premises at the time), one property in Surry Hills was frequently occupied by 15-25 backpackers per night with 5 beds per room of constantly changing 'guests' and partying most nights of the week creating untenable noise, sleep disturbance, congestion, drunk and aggressive behaviour and other impacts such as rubbish strewn on the footpath on a daily basis.

- Surveying of how short-term rentals have and are contributing to over-population and infrastructure problems in Sydney should be conducted. We have heard that in some suburbs, 1 in 6 properties are now devoted to short-term rentals. If it is legalised this could lead to even more problems with social breakdown in neighbourhoods, housing affordability, over population and inadequate infrastructure.

- Properties that pose a serious fire risk (ie. terrace houses) and those that do not have rear lane access for fire management and evacuation should not be permitted to engage in short-term rentals.

This last point is of particular relevance to denser residential areas and is a serious concern particularly as fires have already occurred due to short term rentals and in areas like Surry Hills they pose unacceptable risks. For example, when a boarding house in Surry Hills switched from providing long-term rental accommodation to short-term rentals, within weeks a huge fire broke out at 4am (see ABC news photos below) thought to be started by a cigarette thrown out the window by a backpacker. Even though fire crews arrived within 6-7 minutes, the entire inside of the house was burnt out within several minutes and the fire started to enter the roofs of adjacent properties. The inhabitants fled but lost their possessions. One person was nearly killed as the staircase burnt down very quickly and firefighters could not access the rear of the property as there was no rear lane access.

Residents from nearby properties were evacuated by the fire brigade as the fire threatened to spread through the roofs of a line of joined terrace houses. Fortunately, the fire fighters were able to enter the other terrace houses and contain the fire before it took hold and spread through the line of houses, thereby avoiding a catastrophe. The boarding house subsequently returned to long-term rentals after a year of repairs and re-building.

Short term rentals pose a serious and unacceptable fire risk and should not be permitted in terrace houses or any other susceptible buildings where fire can spread quickly and easily on a large scale. After the famous backpackers' fire some years ago authorities placed greater restrictions on short-term letting premises to

avoid future catastrophes. These restrictions should be further strengthened, not reduced, and if short-term renting is to be permitted it should be confined to properly accredited backpackers' hostels that have been assessed for fire risk and have staff on hand to supervise guests.

Short term rentals should be kept fully illegal in fire-sensitive areas and the process whereby illegal operators can be removed quickly must be significantly improved. Adjoining terrace houses are a huge fire risk and are also especially sensitive to amenity impacts.

We request that the government keeps short-term renting illegal, or at minimum, imposes much stronger restrictions and enforcement mechanisms than are currently proposed, as mentioned above. If short-term letting is permitted there should be a requirement that anyone who is short-term letting should live on the property during the renters' stay. They should be licensed or registered as a businesses, as has been done in cities like Paris and Barcelona and home-sharing companies should have to provide law enforcement agencies with a full register of hosts' names and addresses each month. In addition the number of days allowed for short-term renting should be reduced to 60 days per year and the number of renters per property tightly controlled and restricted. New enforcement mechanisms should be implemented and offshore companies forced to pay tax in Australia and conform with other employment and local laws.

The current proposed draft planning instruments, regulations and Code of Conduct should be rejected as they are inadequate and fail the public interest on numerous counts, as discussed above. Short-term rentals should be kept illegal or much stronger regulatory and enforcement instruments should be devised before legalisation is countenanced.

Thank you for considering my submission.

11 September 2019

By Australia Post and online upload: <https://www.planningportal.nsw.gov.au/>

Attn: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Submission: Draft instruments and Regulations that will introduce the state-wide planning framework

[REDACTED]

As a preliminary point and as noted in my previous submission, it is fact that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home. The premise of the NSW Government's discussion paper states 'the Government Policy for STRA seeks to enable local economies to continue to benefit from STRA'. The draft instruments and code of conducts, if approved in its current form, is incongruous with this statement. Not only will homeowners and hosts be significantly financially disabled by the proposed restrictions but the ancillary jobs that are created as a result of STRA will also be lost. STRA providers are employers of casual, part time and in some cases full time staff who will no longer have an income if these proposed instruments are enacted. To be considered 'fair' the new rules should include compensatory measures for those that are financially disabled by these measures.

I understand that the Government has made commitments to support "*fair short term rental accommodation (STRA) regulation that supports the sharing economy*". As a host on Airbnb in NSW, I wish to provide the following feedback on the proposed amendments to planning rules on exhibition.

Overview

The NSW government estimated the STRA industry to be worth \$15.65 billion in 2015. Listings have doubled yearly since that time and now it would be fair to say the STRA industry would be worth well in excess of \$50 billion or just under 10% of NSW GDP. It is a critically important industry to the State and to individuals. As the country heads into uncertain economic times and people look for ways to maximise their income, it is vital that the government does not put the brakes on a vital industry that helps every day families and the economy as a whole. As Thomas Jefferson said: '*He who governs least, governs best*'.

I have provided submissions on each of the draft instruments and regulations in order below.

Draft Code of Conduct for the Short-term Rental Accommodation Industry

The introduction to the Code of Conduct notes that using a residential premise for STRA can have amenity impacts on residential neighbours resulting from inconsiderate or anti-social behaviour by some short-term rental occupants. This statement is too general in nature. As a resident of inner Sydney, I have been neighbours to long term tenants and short-term tenants. I have certainly experienced anti-social behaviour and note that it has all been from long term tenants. Restricting host's rights to offer their property on STRA will not reduce anti-social behaviour.

I support the implementation of a Code of Conduct which, overall, is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform. In addition, more to protect against frivolous complaints from neighbours needs to be done.

Clause 5.2.5 relates to a booking platform not allowing a premise to be advertised if it is an excluded premise. To have this restriction apply to the premises, rather than the host is unnecessarily burdensome. It does not account for a change in ownership, or tenancy when a new 'host' is tarred by a previous host's wrong doing and necessitates an application to remove the property. Any restrictions should apply to the 'host' or 'guest' only and not to the bricks and mortar.

Clause 5.3.7 of the Code relates to Letting Agents and requires that full particulars of each booking be kept for 5 years. This is an onerous condition that may result in many hundreds of booking details, including personal information, credit card details and so forth needing to be retained by an Agent. Reference to the requirements of the Privacy Act together with retaining highly-sensitive information such as credit card details will be costly. This is an overly burdensome requirement as further to part 5.2, the booking website will already retain these details. The Agent should not be required to keep an exact replica of the information already available. The same comments are made in respect of clause 5.6.3 of the Code relating to Facilitators.

Clause 5.4.8 needs amending to provide detail of when the notice must be given, how it is to be given, how often and so forth. Take for example the situation where a neighbouring property has tenants under the Residential Tenancy Act that change say every 6 months. What is the notice requirement in this situation? Further clarity is needed. In addition, requiring notice makes neighbours aware that the property may sometimes be vacant. We no longer live in a trustworthy society and this may pose a security risk to the premise, the host and their belongings.

The reference in clause 6.1.9 to section 6.3.8 should be amended to 6.1.8.

Clauses 7.1 'Disciplinary Action' is vague. It is not clear what actions amount to a 'warning', 'direction' or a 'strike'. In particular, clause 7.1.3 gives the Commissioner a seemingly unfettered discretion to award a 'strike' against the host premises or guest that is subjective. This is unfair and more detail should be given as to which sanction will apply in what situations. The offense and punishments noted in this section are unclear.

Clause 7.2.3 states that the Commissioner may record on the register either a host, a host in relation to the particular premises or a guest. This contradicts other clauses that refer to registration of a premises alone. What exactly is being proposed? The drafting is unclear and needs revision and further community consultation.

Clause 7.2.4 (b), as noted above, should not apply to premises. This provision should be removed from the exclusion register. It does not take into account new residents, ownership or hosts that may be operating the property for STRA.

Draft Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019

- Clause 22D Appeal against listing on the exclusion register. This provision does not apply to an appeal for a 'premises' that is listed on the exclusion register. As noted above, our view is that premises should not be able to be listed on an exclusion register. However, if it is, then an appeal option should be available for the listing of the premises as well.
- Clause 22E Fees: the fees should be clearly detailed, and warnings should be provided before fees charged.

Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019

- Clause 2, Commencement: A minimum of 3 years should be allowed prior to commencement to allow sufficient time for hosts to adjust. Any shorter period would place an unfair burden on hosts and damage the STRA industry.
- Clause 4, Definitions: the terms 'resides' and 'commercial basis' have not been defined. It is essential that key terms such as these be clearly articulated. The effectiveness of the entire STRA framework will depend on these two terms and the government should provide as much clarity as possible on its intention so that adequate community consultation can be sought. The clarification of 'reside' is also relevant to Clauses 11 and 12, detailed below.
- Clause 8, Review: The review period should be time capped such that the review is to commence after 12 months of operation and be finalised within 24 months of operation. The wording 'as soon as practicable' adds ambiguity and should be removed.
- Clause 12, exempt non-hosted STRA: It defies logic that the 180-day rule will apply in the Greater Sydney Region, one of the top 5 Airbnb destinations in the world. The popularity of STRA in the Region clearly shows the immense accommodation need for tourists visiting Sydney. To reduce the days to 180 will limit the ability of tourists to visit Sydney, decrease the attractiveness of the Region, reduce the economic benefits to the NSW community at large and negatively impact host's financial wellbeing. It is an unfair restriction on fundamental proprietary rights and should be removed. There is no discernible difference to having a long-term renter in a property versus a short-term renter. To raise an argument that by limiting STRA to approximately half the year, the government is '*protecting communities from anti-social behaviour such as increased noise for neighbours*' is equivalent to the government limiting people from driving their cars to only half the year and then claiming the road toll has decreased. These are both non-sensical. There are more effective ways of controlling any negative impact to the community than outright prevention. The government should develop ways to enable the full STRA industry and reap the financial benefits for the whole state while mitigating any one-off anti-social behaviour or noise events. If the 180-day rule remains, there should be an exemption for class 1a buildings. These buildings do not suffer from any of the drawbacks of multi-unit, high rise buildings from which original complaints of the STRA industry stem and to which the proposed legislation should be directed. Class 1a buildings are vastly different from class 2 buildings and I suggest the government could enhance the commitment to "*fair short term rental accommodation (STRA) regulation that supports the sharing economy*" by excluding class 1a buildings.

Draft instruments and Regulations that will introduce the state-wide planning framework

- Clause 13, complying development non-hosted STRA: I reiterate the same comments for clause 12 above in respect of the 180-day rule. I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

I also note that the proposed changes to these rules are a fundamental breach of a property owner's proprietary rights. As a property owner, it is my right to maximise the return on my property. Home sharing provides a source of income without which I would suffer financial hardship and consequently not be in a position to continue to hold the asset. In addition, the cleaners I employ will lose their job, the laundromat will have less revenue. STRA benefits the whole community and it is inappropriate to let a few community disturbances destroy a thriving industry.

I support the need to promote peaceful and quiet enjoyment in a building and indeed in a neighbourhood. As a super host, we are vigilant with ensuring that our guests are respectful of our neighbour and of our home. Having previously rented our property on a longer-term tenancy, the property incurred additional maintenance costs, additional wear and tear with a lesser income. Shorter term rentals provide a higher income and allows me to preserve the value of my asset.

I fundamentally object to any provisions or legislative amendment that purports to restrict how I can use my home using a necessity to provide 'affordable rental accommodation' to the population as one of the justifications to restrict short term rental accommodation.

If the government wish to impose this law on homeowners, they also need to provide a compensation scheme both for the loss of income and for the additional wear and tear caused on my property by longer-term tenancies.

Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019 and accompanying 'Short-term Rental Fire Safety Standard'.

I strongly oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems and inter-connected hard-wired smoke alarms. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, or for a tenant to rent on a long-term basis under the Residential Tenancies Act, it's safe for my guests. I support the NSW Government streamlining safety regulations which: Respect the ancillary use of my home for home sharing, mandate smoke alarms (either battery operated or hard-wired) as per existing rules and require evacuation or emergency plans and guest education.

The effect of the costly alternations coupled with the 180-day rule will cripple the STRA industry in NSW, irrevocably damage the economy, put the state further out of touch with the sharing economy and make it impossible for hosts to operate. If the highly onerous and costly proposed fire

compliance measures are put into place, the 180-day rule must be abolished for a host to have any chance of making back their investment. It is not possible for someone to host a space for a few weeks a year and comply with the fire measures in a cost-effective manner. Since the additional criteria proposed already includes a requirement to comply at all times with all relevant planning, building, strata, fire safety and health regulations, the introduction of additional safety requirements would be unduly burdensome and unachievable for a majority of hosts. This does not mean a majority of hosts reside in homes that are unsafe to stay, but simply that they already meet relevant minimum requirements.

I strongly urge the government to abandon the proposed fire safety standard and re-engage with the community.

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Adding further complexity through a government register is wholly unnecessary and burdensome with the costs again falling on those seeking to use STRA and will provide yet another disincentive to the industry as a whole.

Thank you for reading my submission



From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 28 August 2019 1:01 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2010

Submission

Generally, I'm supportive of the proposed changes. However, it does not go far enough for the powers of the Owners Corporations, and I have few comments about other aspects you seek feedback on.

1 - Planning Instrument & Code of Conduct

In the Draft Code of Conduct, it says that one of the framework's objectives is to make changes to strata laws to allow owners corporations to adopt by-laws that prohibit 'non-resident lot owners' from offering short term rentals. But the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018 states 'if the lot is not the principal place of residence of the person'; and these 2 phrases mean different things. Without clarification/consistent terminology around 'non-resident lot owner', an absentee owner can still use their property for short-term rental and they will be excluded from the Framework's Objectives, they just claim it as their 'principal place of residence'.

I suggest the Fair Trading Amendment Act be amended to say 'non-resident lot owners'. It needs to capture those people/companies who purchase in a building with the specific intention to use the property for 'unhosted' short-term rental purposes.

2 - Complaints Processing

There should be an Arbitration step in regard to Complaints when the property is part of a Strata community. This would enable the owner and the Owners Corp to sort out any problems without having to lodge a complaint with the Commission. It may ease the Commission's workload, it would certainly expedite the settlement of complaints, and it may be found that discussing it at Arbitration highlights learnings for both parties which could be implemented in the future. If Arbitration is unsuccessful, then it could progress to through the Complaints process as stated.

3 - Safety Regulations

I think this is excellent. Owners Corps need to be able to monitor and ensure that the lot owner has complied, and any additional costs would be payable by the Lot owner.

4 - Property Register

Again, I think this is a great idea and I think it should be overseen by Fair Trading but as an online system. Information access could be restricted to industry participants who have applied for access, and vetted by, Fair Trading.

I also think that the Owners Corps should be able to be informed of any Lots within their scheme which

have 'strikes' against them or that have been listed on the 'black list' - if the lists were managed by Fair Trading, there could be an online application and payment system for Owners Corps (through their Strata Management company) to check just their Strata Plan for any banned Lots or guests.

It would be a good idea if the Register included information about any building by-laws that put restrictions on short-term letting so that industry participants would be informed and not short-term renting 'illegally' as mentioned in the Act.

5 - Penalties

There seems to be no penalty for industry participant (an agent/host/company) who uses a strata apartment against the building by-laws although this is covered as 'illegal' use of the property.

6 - Other Issues

There should be a very wide communications process around the implementation of all of the proposed documents. Including information sessions and notices as well as online presence aimed at: the wider community; Strata Managers; Owners Corporations; and Strata Committee members as well as Lot owners.

The amendments, Act, Regulation, and Code of Conduct should be implemented as soon as possible. The register should be developed and implemented with a 6 month deadline from the date of implementation of all the other regulations and legislation.

Thank you for the opportunity to provide feedback.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 21 August 2019 8:18 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Name Withheld, SYDNEY, Comment

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

I think 180 night cap is very unfair . Should let market to decide how many nights a host can rent out . For the properties poorly managed , that can not get 180N bookings anyway . For the well managed hosts , it's very unfair to cut the income that they can gain from investments and hard work .

People supposed to be encouraged to do more good to boost economy , instead of being tied the hands and struggle with life.

I agree to the above statement

Yes

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From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 21 August 2019 8:19 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

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Sent: Wednesday, 21 August 2019 8:19 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

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2000

Dear Director, Housing and Infrastructure Policy,

This is an outcome of both the advancement of information technology and human economic behaviour. Times have changed, so should regulations and rules of the state.

Any artificial or we shall call non-economical regulations and rules against STRA will only slow down/put a drag on the growth of the market/industry, but lose any financial benefits of the homeowners and the state. The STRA industry will eventually and inevitably catch up to the rest of the world.

STRA owners and service providers should pay a premium/surcharge/levy for the extra services provided by the relevant authorities/entities.

Ultimately it is an economical issue. Economical problems should be resolved by economical policies.

1

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 16 August 2019 4:12 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney

Submission

The govt should allow construction of new buildings or conversion of suitable existing buildings specifically for the purpose of short-term holiday letting and zone the entire building, " Strata Title Short-term Holiday Rental Units". These Units would be either studios, 1-bedroom or 2-bedroom Units or a mixture. They would be located either within commercial centres or on the edges of commercial centres close to public transport and close to entertainment and restaurant centres. Purchasers of these Units would be primarily investors. However Unit owners would be allowed to reside in their own Units if they wish but they would be doing so having prior full knowledge that they will need to put up with noise and accelerated wear and tear created by thousands of holiday-makers. Owners and long-term tenants of existing strata title and community title residential Units need uninterrupted sleep to do their jobs safely and well and children must be able to do their school work and uni assignments in peace. IE, owners and long-term tenants should be guaranteed the quiet and peaceful enjoyment of their homes which is a principle enshrined in law. Existing owners purchased their residentially zoned Units in the knowledge that they would remain zoned "residential". Otherwise they would have purchased industrial-zoned or commercial-zoned Units. It is unfair for some owners to selfishly destroy the legal rights of other owners and long-term tenants by leasing their Units to complete strangers who just want to have fun and create havoc whilst on holiday. Then damage and additional and accelerated wear and tear to common property must then be paid for by all owners, not just by those owners who rented their Units to thousands of short-term holiday-makers. This is so unfair! Holiday-makers and permanent residents should be kept well apart. We don't care what other countries are allowing because we Australians set our own BETTER and MORE SENSIBLE STANDARDS. Many financial institutions will not lend for the purchase of strata units with an area of 50sq metres or less. Even if a building contains larger Units, the mere existence of a 50sq metre Unit in the building means that many financial institutions will not lend on any Unit in that building at all. So developers cannot sell these Units. These types of buildings are very suitable for re-zoning to "Strata Title Short-term Holiday Rental Units". They are generally located within or beside commercial centres which is another factor that favours this type of re-zoning.

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 16 August 2019 2:59 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney

Submission

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 16 August 2019 2:57 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney

Submission

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I agree to the above statement

Yes

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From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 16 August 2019 4:26 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney

Submission

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:40 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
2000

Submission file
[101.013-signed-submission-re-tra-framework-110919.pdf](#)

Submission

Please refer to the attached submission lodged by The Real Estate Institute of New South Wales Limited

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Saturday, 17 August 2019 12:24 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

- # Thanks for supporting STRA
- # Mandatory code of conduct is enough to regulate.
- # Please don't introduce registration system. It will create extra work and may discourage STRA. Please don't place any unnecessary burdens.
- # Please don't give any power to strata to ban STRA because they unfairly dictate other owners
- # Please allow STRA whole year without cap.

I agree to the above statement
Yes

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From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 10:33 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Sydney

11 September 2019

Att: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

Submission re: Framework and Mandatory Code of Conduct for Short Term Rental Accommodation (STRA Framework)

Principle #1: STRA is a commercial activity. STRA Hosts should pay fairly for their commercial ventures.

STRA activity fundamentally changes the nature of a strata community and poses legal and financial risk to the owners corporation that the STRA Framework does not adequately address. The STRA Framework means owners who do not engage in STRA activity are bearing the cost of owners and occupiers who do engage in this commercial venture.

Given collectively owned property is being used for STRA in a strata community, the following are the measures that will help avoid inequitable outcomes for individual owners who are funding the maintenance, upkeep, security and insurance of a strata plan:

First, the unlimited amount of time a hosted STRA can occur in a Greater Sydney lot (365 days per year) means there will be an intensive increase in the wear and tear of common property in strata schemes. Occupiers or hosts are not required under the legislation to contribute additional levies into the common funds for the increased wear and tear arising from their commercial activities. There should be express allowance in the legislation for owner's corporations to charge hosts a levy for the increased cleaning and maintenance required for the increased numbers of individuals using common property, particularly because these expenses are not recoupable via insurance.

Second, the requirement for a host to maintain public liability insurance is welcome but insufficient. The requirement for a host to maintain public liability insurance only extends to the protection of guests and their visitors. If death or personal injury is caused to any member of the public (including any residents) as a result of the STRA activity in a strata unit, the host's public liability policy should cover it. The regulations should insist that the host provide the strata corporation with a copy of, and a certificate of currency for, a separate, effective and reasonable public liability insurance policy, every year, that covers death of or injury to members of the public without restriction.

Third, damage to common property is not addressed at all in the regulations. This is a marked gap in the legislation. If, for example, a guest or visitor causes a fire or fails to turn off a tap, both of which risk damage to common property, there is no remedy for an owner's corporation in the regulations. The regulations should insist that the host provide the strata corporation with a copy of, and a certificate of currency for, a separate, effective and reasonable property damage liability insurance policy, every year, that provides coverage that is proportionate to the intensity of the STRA activity engaged in by the host.

Principle #2: Maintain an Owner's Corporations democratic and lawful rights to choose the nature of the strata community.

The NSW Government does not seem to be heeding the experience of other international cities. NSW is out of step with international trends in comparable jurisdictions that limit STRA activity to primary homes, require a permit, use zoning restrictions, require the approval of the owner's corporation in condominiums and/or strata schemes and impose fines for breaches of bylaws on the applicable host.

If a bylaw has been lawfully passed by an owner's corporation that restricts STRA activity, the STRA Framework should expressly respect that bylaw. Bylaws are the basis upon which owners have invested in their strata residences. If the STRA Framework operates to rescind or restrict bylaws that have been lawfully passed, it changes the basis upon which those investment decisions have been made and erodes the lawful rights of owner's corporations to determine the nature and fate of their strata communities.

Principle #3: STRA (Short Term Rental Accommodation) activity does not have a "minor impact" on strata lots; therefore, the exempt development regime should not be the framework through which STRA activity is regulated.

The strata ownership regime in NSW allows homeowners to access a real estate market by collectively participating in a private/collective ownership regime. As a counterbalance to the rights of owner's corporations mentioned above in Principle #2, the current strata laws ALSO put reasonable responsibilities on strata owners. These include:

- Being bound by law to protect the interests of the strata as whole;
- Sharing the costs of insurance, maintenance and repair of common property;
- Controlling activities which threaten the security, privacy and amenity of the strata.

STRA activity is a commercial activity that changes the nature and powers of strata ownership. What the STRA Framework fails to address is that STRA activity allows a private individual or corporation to exploit collectively owned property for private profit without the consent of the owners of the property (the owner's corporation) and without the owner's corporation having reasonable remedies in the face of breaches of the regulation.

The STRA Framework erodes the powers of owner's corporations and therefore changes the commercial proposition of strata ownership. There is a real risk that the STRA Framework will reduce the liveability of strata schemes and result in a devaluation of strata ownership in NSW, making it a sensible investment only for commercially minded individuals and corporations who wish to buy into strata ownership for STRA ventures.

Principle #4: Ensure the regulatory framework does not erode rights of owners in favour of tenants.

The STRA Framework suggests that it will allow changes to strata laws to enable owners corporations to adopt bylaws that prohibit non-resident lot owners from offering short term rentals. But this needs clarification:

- It should be made expressly clear that if an owner's corporation passes such a bylaw:
 - o a non-resident owner cannot offer hosted OR unhosted STRA activity; and
 - o a tenant who is occupying the non-residence owner's ALSO cannot offer hosted or unhosted STRA activity.

Also, the Minister should make it abundantly clear that s. 74 of the Residential Tenancies Act will remain law, and that an owner must provide written consent to sub-let before a tenant can engage in STRA activity. If this Principle #4 is followed, along with Principle #3, it will mean that a tenant (who has not contributed any capital into the strata scheme, and pays no levies and has no responsibility under the law for the strata scheme) cannot engage in STRA activity unless: (i) the owner of the particular lot has consented to the tenant's right to sub-let; and (ii) there is no bylaw lawfully passed by the strata corporation that restricted STRA activity. This is as it should be – tenants should not be allowed to use another person's property, or the common property, without consent of the owners of that property.

Principle #5: Bring NSW legislation in line with standards set by other international cities.

Caps for days of STRA activity in the STRA Framework are much lower in other international cities who have regulated this activity. For example, in London it is 90 days per year and in San Francisco it is 60. In Greater Sydney is it unlimited. This is wildly out of step with international standards.

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 3:35 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney

Submission

The links are suspended, I am unable to access to details. I'm expressing my opinions base on other indirect sources, such as news articles and discussions with my agency.

1. It is great that The new legislation has included Code of conduct, that can potentially minimise adverse effect from short term leasing. However, it should also apply to long term, negative impacts do not limit to destructive behaviours from short term guests.
2. Since code of conduct is in place, I do not see the point of 180 days restriction.
3. Sydney rental market oversupplies and it does not seem to balance in short term.
4. The shortage of tourism infurstrure in Sydney already an big issue, and restriction short term rental will damage the current economy further.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 23 August 2019 12:31 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

- # Thanks for supporting STRA
- # Mandatory code of conduct without harshness is enough to regulate.
- # Please don't introduce registration system. It will create extra work and may discourage STRA. Please don't place any unnecessary burdens.
- # Please don't give any power to strata to ban STRA because they unfairly dictate other owners
- # Please allow STRA whole year without cap.

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 15 August 2019 6:28 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

- 1) Current strata rules should prevail and if 75% of owners are against short term letting, why should they suffer from the minority!!!
- 2) we have seen the effect of short term letting even on houses used as party venues affecting the neighbours. In a confined space as apartment blocks, this is worst.

I agree to the above statement
Yes

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 21 August 2019 8:18 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

I think 180 night cap is very unfair . Should let market to decide how many nights a host can rent out . For the properties poorly managed , that can not get 180N bookings anyway . For the well managed hosts , it's very unfair to cut the income that they can gain from investments and hard work .

People supposed to be encouraged to do more good to boost economy , instead of being tied the hands and struggle with life.

I agree to the above statement

Yes

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From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 21 August 2019 8:18 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Name Withheld, SYDNEY NSW, Comment

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

11 September 2019

Att: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

Submission re: Framework and Mandatory Code of Conduct for Short Term Rental Accommodation
(STRA Framework)

Principle #1: STRA is a commercial activity. STRA Hosts should pay fairly for their commercial ventures.

STRA activity fundamentally changes the nature of a strata community and poses legal and financial risk to the owners corporation that the STRA Framework does not adequately address. The STRA Framework means owners who do not engage in STRA activity are bearing the cost of owners and occupiers who do engage in this commercial venture.

Given collectively owned property is being used for STRA in a strata community, the following are the measures that will help avoid inequitable outcomes for individual owners who are funding the maintenance, upkeep, security and insurance of a strata plan:

First, the unlimited amount of time a hosted STRA can occur in a Greater Sydney lot (365 days per year) means there will be an intensive increase in the wear and tear of common property in strata schemes. Occupiers or hosts are not required under the legislation to contribute additional levies into the common funds for the increased wear and tear arising from their commercial activities. There should be express allowance in the legislation for owner's corporations to charge hosts a levy for the increased cleaning and maintenance required for the increased numbers of individuals using common property, particularly because these expenses are not recoupable via insurance.

Second, the requirement for a host to maintain public liability insurance is welcome but insufficient. The requirement for a host to maintain public liability insurance only extends to the protection of guests and their visitors. If death or personal injury is caused to any member of the public (including any residents) as a result of the STRA activity in a strata unit, the host's public liability policy should cover it. The regulations should insist that the host provide the strata corporation with a copy of, and a certificate of currency for, a separate, effective and reasonable public liability insurance policy, every year, that covers death of or injury to members of the public without restriction.

Third, damage to common property is not addressed at all in the regulations. This is a marked gap in the legislation. If, for example, a guest or visitor causes a fire or fails to turn off a tap, both of which risk damage to common property, there is no remedy for an owner's corporation in the regulations. The regulations should insist that the host provide the strata corporation with a copy of, and a certificate of currency for, a separate, effective and reasonable property damage liability insurance policy, every year, that provides coverage that is proportionate to the intensity of the STRA activity engaged in by the host.

Principle #2: Maintain an Owner's Corporations democratic and lawful rights to choose the nature of the strata community

The NSW Government does not seem to be heeding the experience of other international cities. NSW is out of step with international trends in comparable jurisdictions that limit STRA activity to primary homes, require a permit, use zoning restrictions, require the approval of the owner's corporation in condominiums and/or strata schemes and impose fines for breaches of bylaws on the applicable host.

If a bylaw has been lawfully passed by an owner's corporation that restricts STRA activity, the STRA Framework should expressly respect that bylaw. Bylaws are the basis upon which owners have invested in their strata residences. If the STRA Framework operates to rescind or restrict bylaws that have been lawfully passed, it changes the basis upon which those investment decisions have been made and erodes the lawful rights of owner's corporations to determine the nature and fate of their strata communities.

Principle #3: STRA (Short Term Rental Accommodation) activity does not have a "minor impact" on strata lots; therefore, the exempt development regime should not be the framework through which STRA activity is regulated.

The strata ownership regime in NSW allows homeowners to access a real estate market by collectively participating in a private/collective ownership regime. As a counterbalance to the rights of owner's corporations mentioned above in Principle #2, the current strata laws ALSO put reasonable responsibilities on strata owners. These include:

- Being bound by law to protect the interests of the strata as whole;
- Sharing the costs of insurance, maintenance and repair of common property;
- Controlling activities which threaten the security, privacy and amenity of the strata.

STRA activity is a commercial activity that changes the nature and powers of strata ownership. What the STRA Framework fails to address is that STRA activity allows a private individual or corporation to exploit collectively owned property for private profit without the consent of the owners of the property (the owner's corporation) and without the owner's corporation having reasonable remedies in the face of breaches of the regulation.

The STRA Framework erodes the powers of owner's corporations and therefore changes the commercial proposition of strata ownership. There is a real risk that the STRA Framework will reduce the liveability of strata schemes and result in a devaluation of strata ownership in NSW, making it a sensible investment only for commercially minded individuals and corporations who wish to buy into strata ownership for STRA ventures.

Principle #4: Ensure the regulatory framework does not erode rights of owners in favour of tenants.

The STRA Framework suggests that it will allow changes to strata laws to enable owners corporations to adopt bylaws that prohibit non-resident lot owners from offering short term rentals. But this needs clarification:

- It should be made expressly clear that if an owner's corporation passes such a bylaw:

- a non-resident owner cannot offer hosted OR unhosted STRA activity; and
- a tenant who is occupying the non-residence owner's ALSO cannot offer hosted or unhosted STRA activity.

Also, the Minister should make it abundantly clear that s. 74 of the Residential Tenancies Act will remain law, and that an owner must provide written consent to sub-let before a tenant can engage in STRA activity. If this Principle #4 is followed, along with Principle #3, it will mean that a tenant (who has not contributed any capital into the strata scheme, and pays no levies and has no responsibility under the law for the strata scheme) cannot engage in STRA activity unless: (i) the owner of the particular lot has consented to the tenant's right to sub-let; and (ii) there is no bylaw lawfully passed by the strata corporation that restricted STRA activity. This is as it should be – tenants should not be allowed to use another person's property, or the common property, without consent of the owners of that property.

Principle #5: Bring NSW legislation in line with standards set by other international cities

Caps for days of STRA activity in the STRA Framework are much lower than other international cities who have regulated this activity. For example, in London it is 90 days per year and in San Francisco it is 60. In Greater Sydney it is unlimited. This is wildly out of step with international standards.

Yours faithfully

[Redacted signature block]

The Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir or Madam,

The following comments are provided in respect of the discussion paper entitled “Short-Term Rental Accommodation – A new regulatory framework (August 2019)”

Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019

In respect of the proposed recommended standards for ‘All dwellings’ and ‘Dwellings in multi-unit buildings’ reference is made to the requirements for, *inter alia*, smoke detectors in each bedroom and the interconnection where there is more than one alarm; the installation of a fire extinguisher and fire blanket in the kitchen; and matters surrounding evacuation signage, etc.

In strata complexes, the capital expenditure in respect of the proposed installation and maintenance requirements within an individual unit should be with the individual lot owner, rather than the Owners Corporation. That specification needs to be made abundantly clear in the regulation. Also, with Annual Fire Inspections, what procedures, if any, have been considered to account for a more detailed annual inspection of the unit in question? Will there be a legal requirement for an STRA owner to notify, in writing, the Managing Agent of a strata complex that their lot falls within the STRA regime?

Code of Conduct and supporting Amendment Regulation

I can find no mention of any obligation, legal or otherwise, for a STRA owner to inform an Owners Corporation and relevant Managing Agent of their intention to undertake STRA for their unit. The general obligations appear to negate mention of any range of penalties arising from failure to comply with the Code of Conduct. The host’s contact details section is too broad and should specify mobile telephone and email addresses and provide a requirement to ensure any such information is accurate and up to date and provided to both an Owners’ Corporation and Managing Agent. The section in relation to “guests’ specific obligations” should ensure that reasonable care includes common property of a strata complex.

In the “Complaints” section, the ‘complainants’ should specifically include Managing Agents.

In the event that STRA accommodation is offered within a strata complex, the Owners Corporation should not be liable for any claim for loss of income to a STRA owner owing to existing or scheduled work being carried out within either common property or individual lots, such as remedial work owing to concrete cancer which the Owners Corporation has arranged to be undertaken.

Secretary’s review of disciplinary action

How is any other relevant ‘industry participant’ to know when a review of a Secretary’s decision has been lodged? That is not explained.

Penalty notice offences and civil penalties

Will any such action taken in respect of warnings, penalty notice offences and civil penalties be recorded in the Exclusion Register or elsewhere?

Prescribed classes of STRA industry participant

Will persons or organisations that provide end to end property management services be subject to character or police checks? If applicable, are any checks to be carried out in respect to confirm a Host's Immigration status within Australia?

STRA industry participants excluded from Code of Conduct

Are persons currently registered as strata agents excluded from operating as STRA agents, to avoid any perceived or real conflict of interest with their current prescribed duties?

Appeals against listing on exclusion register

Is it proposed that all affected parties involved in an action that leads to a listing on an exclusion register be notified of an appeal against such a listing?

Fees and cost recovery

Is it proposed that lot owners, Owners Corporations and/or Managing Agents be entitled to seek partial or full cost recovery in the event of successful action taken against persons involved in STRA?

Proposed industry led STRA property register

What action, if any, is proposed to prohibit interstate, offshore booking or letting agents that could be used to circumvent the proposed STRA regulatory framework?

Industry should not be organised to develop and manage the registration system – I would have thought the recent and ongoing scandal involving new apartment buildings clearly demonstrates how any 'industry' should be kept at arm's length from developing, administering and self-certifying itself.

The Government should have sole responsibility for overseeing the STRA property register.

Proposed outcomes from having a register

There should be a clear, legal obligation for any proposed STRA properties contained within strata complexes to be reported to the Owners Corporation and Managing Agent of the complex in question. Such notification should be made in writing, at least, 28 working days prior to any proposed letting. Advice of any temporary suspension or permanent termination of any STRA arrangement by an owner should also require written advice to the Owners Corporation and Managing Agent within 28 days of the cessation of the STRA. Financial penalties should regulate such matters.

Register data collection

Full details of the Host, including full current and former (married / maiden) names, including aliases, nicknames as well as details of current and former business and company office-bearers should be included in the register. Designated contact details – residential / postal / email / landline / mobile contacts – should also be available to Owners Corporations, Managing Agents, Local Councils as well as the NSW Police Force and NSW Fire & Rescue. This is crucial for emergency contact purposes such as where access to the unit is urgently required as in the event of concerns for welfare or where a hot water system has burst.

Commencement date for STRA regulatory framework

Further consultation with relevant stakeholders needs to be considered for final fine-tuning particularly where issues raised in this forum have not been addressed. A general commencement date therefore should not be considered to begin before 1 July 2020 with a review to then commence on 1 July 2021.

Should you require any further information on matters raised in this submission, please do not hesitate to contact me.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Minister

NSW GOVERNMENT SHORT-TERM RENTAL ACCOMMODATION

A new regulatory framework. Discussion paper, August 2019

I strongly support the right of people to share their houses and apartments across New South Wales in a responsible and respectful way. I support sensible regulation without day limits and unnecessary burdensome costly processes.

Short-term rental accommodation is an important driver of economic growth and job creation for the NSW tourism industry and economy more broadly.

The public submissions on this matter have well documented the many benefits short term accommodation have brought and continue to bring to NSW. Short term rental accommodation provides a broad range of accommodation meeting differing needs of hosts and guests in Australia and from overseas. In addition to the tourism sector, demand for short term accommodation is being driven by a range of other needs including changing work requirements - contract work, training, interstate/overseas postings.

Regulation for the sector should avoid unnecessary burdens on operations and costs.

I support the creation of a register of all rental properties listed on a platform and the code of conduct. However, I oppose the night limits and use restrictions for properties.

The NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Replies to select issues posed in the Discussion Paper 2019 follow.

1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?

The Safety Standards are mostly reasonable. I would query how the “no more than 2 persons per bedroom” would apply to people with close supervision needs, for example babies who sleep in cots, very young children who still sleep with their parents and people with special needs.

I also query why special safety standards are only required for short term rental accommodation rather than applying across all housing types - owner occupied, long term lease and short term lease. If the safety standards are beneficial for one property then presumably they are beneficial for all.

3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?

I do not support any limit on the days un-hosted STRA can be provided. Day caps for short term rental accommodation not only put the economic uplift associated with the tourism sector at risk, but also fail to address the three most consistently cited concerns about the industry: housing affordability, availability and the impact on amenity.

If the proposed 180 day limit on un-hosted STRA is introduced (which is not supported), the additional provision that un-hosted bookings of 21 or more consecutive days will not contribute to applicable day thresholds is a pragmatic addition which will help meet the needs of people on work assignments and personal projects.

The set-up and maintenance costs for a STRA residence are significant ie quality furnishings and facilities including safety facilities and procedures. To invest in this set up and then to be limited to rent it for half the year makes the proposition uneconomic and risks the economic uplift associated with the tourism sector.

To ensure the continued successful development of short term rental accommodation in NSW and the significant contribution that brings to NSW and all relevant stakeholders, I encourage the NSW Government to introduce sensible regulation that avoids unnecessary burdens on operations and costs. I support the creation of a compulsory and simple registration for all properties listed on a short-term rental accommodation platform and the code of conduct. I oppose the night limits and use restrictions for properties.

The Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir or Madam,

The following comments are provided in respect of the discussion paper entitled “Short-Term Rental Accommodation – A new regulatory framework (August 2019)”

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Commencement date for STRA regulatory framework

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Should you require any further information on matters raised in this submission, please do not hesitate to contact me.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 4:16 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Terrigal

Submission

I own and operate a short term stay house in regional NSW. The house is historic and located on the edge of the CBD with commercial offices either side. I run my property in a professional manner it has little to no impact on the surrounding neighborhood.

I welcome regulation in this industry as there are many operators who provide substandard accommodation and are a nuisance to surrounding neighbors. I am however greatly concerned that legitimate operators will be penalised with unreasonable restrictions due to the actions of a few (as is often the case).

Should council choose to enforce the 180 day limit it would almost certainly ruin by business and I would be forced to sell at a diminished value due to restrictions on its use.

I recommend that an alternative option be given to legitimate operators so that they may continue to trade either by a "change of use" or other special compensations due to location, building type, and operation of business.

We can not all be placed in the one basket and exceptions must be made.

Thank you for your consideration.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 8:29 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Submission file
[stra.pdf](#)

Submission

Dear Sir or Madam,

Please find attached my submission in relation to this matter.

Many thanks,

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 30 August 2019 3:38 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Tweed Heads Australia

Submission

I live in a 30 townhouse complex in which one unit is used for short term rental. This situation has caused great angst for Owners, esp the near-by ones, with late night arrivals and the associated noise disturbing their sleep. Similarly, late night, noisy parties are also a problem. I believe the Owner has internal house signage requesting noise be kept to a minimum.

Secondly, as a gated community, our security is compromised with the gate code being given to every single arrival, and of course to their accompanying friends. We have seen instances where a group of 12 people have stayed in the 2.5 bedrooms. This number means our parking rules are violated with cars parked on grass verges and in some cases, partially blocking our internal road.

We have a pool on the complex which in summer has been 'over-run' by boisterous, young men, which apart from the pool itself being monopolised, creates unacceptable noise levels.

I want the local Council to have the power to close down these operations which violate zoning laws and for the legislation to include appropriate financial penalties that are a real and meaningful deterrent

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 10 September 2019 2:14 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2267

Submission

We are a group of concerned and/or affected residents living in a small village on the shores of Lake Macquarie south of Newcastle. As at the 2016 census the population is approximately 2700 people. Many of us have experienced the effects that the growth of short term rentals has made in our community and are concerned that if this continues to escalate it will negatively change our community.

The majority of dwellings in our community are residential houses, many of which are quite large, and if used for short term rental accommodation, will impact on neighbours and community to a much higher degree than strata units.

The Code of Conduct appears to be slanted towards strata and there is very little strata in Wangi. Therefore our submission will focus on Torrens Title residential homes in R2 low density residential zoning in which we live.

It is our submission that the un-hosted short-term rental of entire homes is unmanageable and unworkable.

Short-term rental accommodation should only operate with a permanent host on site and be subjected to the strike system.

Maximum Occupancy

The maximum occupancy of guests should be limited to 6 persons and no visitors in R2 low density residential areas. It needs to be remembered that these houses are in residential areas, not holiday resorts. A maximum occupancy of 12 guests and no restrictions on visitors, with a turnover every few days is not conducive to residential living and peaceful enjoyment of one's home. Any more than 6 persons, by the very nature of the number of people will introduce noise and disruption to everyday residential living and introduce "party conditions". It is our experience that many holiday makers appear to not have the same consideration for either the neighbours or the neighbourhood that permanent residents have.

This limit could be increased on application in relation to homes in rural areas where the impact on neighbouring properties would not be so great.

Number of Days

I submit that 60 days should be the maximum number of days a property can be used for STRA. This is more than enough to cover holiday periods and enable home owners to rent out their homes while on holidays and travelling. There should be no exemption for longer periods of 21 days and each day should count towards the daily cap.

Obligations to Guests and Others

Paragraph 5.4.4 of the Code states that "A host, or the host's authorised representative, must be contactable within ordinary hours", (Ordinary hours defined as between 8am and 5pm every day of the week).

Paragraph 5.4.5 states that the host must be "contactable outside of ordinary hours to deal with emergencies".

It is our submission that the “host” should be available for contact 24 hours a day 7 days a week. What defines “an emergency”? What may appear to be an emergency to members of the community may not be for the guests or host. For example, the lighting of outdoor open fires for heating or cooking.

As is commonplace with un-hosted entire house rentals there is no physical contact on arrival between the guests and host. The host is probably unaware of the nature of the stay, e.g. family holiday with one or more families, friends and couples getaway, bucks weekend or hens party.

The host needs to take responsibility for any impact on not only immediate neighbours but also the neighbourhood and community and needs to be available to respond without delay to any issues arising from the use of the premises as a short term rental.

It is our view that the only way this can work is with a permanent on site host as is the situation with caravan parks, motels and the like. Other than this the situation is totally unworkable.

Obligations to Neighbours:-

Paragraph 5.4.8 states inter alia, “that the occupants of the residential premises directly neighbouring the premises subject to a short-term rental accommodation arrangement” be advised that the host is operating a short term rental and be given the contact details of the host or authorised representative.

What is the definition of “directly neighbouring premises”. Is it any property that borders the subject short-term rental accommodation”?

It is our view that this does not go far enough. Un-hosted short-term rental houses impact many neighbouring houses not only houses directly bordering the subject premises. In undulating country, around gullies and valleys, especially in quiet residential areas, sound travels and disturbs people to a far greater extent than on flat country. Also, as many of the homes in Wangi Wangi are waterfront properties, sound travels over the water which again has a greater impact than on flat country. One only has to hear a dog barking down the street or across the gully to know it affects far more than just the “directly neighbouring premises”.

Due to this fact, it is our submission that contact details of the host or authorised representative should not be limited to “premises directly neighbouring” the short-term rental premises.

It is our submission that a house used as a short-term rental should have a sign clearly erected in front of the premises stating the following:-

- (a) That the property is a short-term rental
- (b) The registration number of the short-term rental
- (c) A 24 hour contact number
- (d) The maximum occupancy allowed on the premises at any one time. (It is my submission that if the maximum occupancy was 6 this requirement would not be necessary).

In this way the community is aware of the short-term rentals in their area and neighbourhood. Any member of the community that is impacted in any way by the use of the house as a short-term rental would then have the relevant information necessary to be able to contact the host or their representative.

The host should be required to install sound minimising barriers and privacy screens on outdoor entertaining areas to lessen the visual and audio impact on neighbours so that the neighbours can retain their right to peaceful enjoyment of their property.

In relation to paragraph 5.5.8 there appears to be no mention in the Code of Conduct regarding:-

- (a) Number of visitors allowed on the premises
- (b) Parking for the occupants and visitors.

If the maximum number of occupants is 2 per bedroom maximum of 12 persons what is the rule in relation to visitors?

If a particular dwelling has a limit of 12 guests then what is the limit for visitors? Surely the number of potential visitors must be considered in any approval process. Currently there appears to be no limit on the number of visitors. This has the propensity to cause major disruption and is totally unworkable.

It is also our submission that there should be enough adequate off street parking to accommodate guests and visitors to the site in relation to the maximum occupancy of the premises. We submit that every bedroom should have one off street car parking space. In a 6 bedroom home it is probable that there will be 6 cars. The premises need to be inspected and certified that they have sufficient accessible off street parking to accommodate the said number of vehicles safely without impacting on the amenity of the local residents.

Exclusion Register

This is totally unworkable.

A host who is excluded will just host under another family name.

Paragraph 5.4.11 states “a host must not enter into a short-term rental accommodation arrangement with a guest if the guest is recorded on the exclusion register as an excluded guest”. How is that going to be policed?

How will the exclusion register be enforced with any visitors to the property?

The booking may be made in the name of the one person who is not on the exclusion register and the remaining guests may be all excluded. Even if every guest staying or visiting a short-term rental was registered as an occupant with official identification and checked against the register how would that be policed?

How will underage guests be policed from not booking the premises? For example, schoolies.

This is unworkable.

Obligations to Neighbours

Paragraph 5.5.2 refers to “immediately adjoining neighbours”. As stated above short-term rental accommodation affects the neighbourhood and not merely the “immediately adjoining neighbours”. As is the case with a hotel, the whole community is considered not just the immediate neighbours.

A neighbour should not have to supervise the behaviour of the guests of an un-hosted short-term rental. The onus should not be placed onto the neighbour to pick up the phone, make a complaint, be believed and to potentially be placed in a dangerous situation when the guests are advised of the complaint.

When a complaint is made in real time, the issue is immediate.

If a neighbours initial complaint is not dealt with effectively or discarded by the host at first point of contact then what is the process then for the neighbour to get relief?

It seems to me the only option available is to call the police.

This is unworkable.

Section 5.5.7 states that “an excluded guest must not participate in the short-term rental accommodation as a guest”. How is this going to be policed? An excluded guest could also be a visitor to the premises.

This is unworkable.

Complaints

In reference to 6.1.2. neighbours to a short term rental would need to know in what form a complaint must be made. Therefore the Commissioner must determine the form in which the complaint must be made and the supporting information that must be submitted.

Does the neighbour need to physically approach a potentially dangerous situation with their mobile phone and record conversations and video?

This is unworkable.

In reference to paragraph 6.1.6 there should be a levy on hosts to support the administration and costs of short-term rentals sufficient to cover the costs of the complaints process and registration. Neighbours should not have to bear the cost of making a complaint by their rates and State taxes.

Paragraph 6.1.8 makes it extremely difficult for a complaint to be made.

The neighbour not only needs to collect the evidence but appear before a Tribunal and be believed. It is word against word. How many times will a neighbour need to do this?

Or if they appear before the Tribunal too many times because their home life has been disrupted and become unbearable by an unhosted short-term rental will they be labelled as “vexatious”.

This is unworkable.

Self-Regulation

It is a conflict of interest for the industry to self-regulate the short-term rental regulations. This has already been proven with the current failure of the Building Industry to self-regulate. This is like putting the foxes in charge of the hen house. The register should be administered and enforced by the respective Councils. Access to this register should be made available to the public without impacting on privacy laws.

This is unworkable.

In summary, the conversion of houses into un-hosted short-term rentals affects the real estate market in many ways. Our younger generation are finding it difficult to purchase their first home. There are less homes to rent for families to live in permanently in the area and be part of the community. There is evidence that the houses that are available for long-term rent are offered at inflated rental prices.

Un- hosted short-term rentals will only increase if given the green light. It is obvious that the financial benefits to an investor are much more lucrative when short-term renting as opposed to long-term renting and they have the benefit to use their house when they desire.

There needs to be studies conducted into how these houses impact on the mental health of neighbours. Members of the Wangi Save Our Community Group have suffered from loss of peace and enjoyment, powerlessness, hypersensitivity, stress, anxiety, depression and symptoms of post-traumatic stress disorder. These are matters that impact on the health of communities and need to be considered in the Code of Conduct particularly in relation to Torrens title un-hosted entire house short term rentals.

It appears that while investors are getting all the money the neighbours are getting all the misery. The conversion of homes into un-hosted short-term rentals in residential areas is just unworkable.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Thursday, 22 August 2019 2:43 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Warriewood, NSW

Submission

I help my husband with his online bookings of a one bedroom granny flat that he owns. We are providing a great service to the Northern Beaches as there are very few hotels and one caravan park which are all more expensive than our place. We are retired and pay tax on the income. So are self funded. Our guests are often older couples who have family in the area. Often from overseas, UK, Germany, France, interstate etc and for various reasons cannot stay or prefer not to stay with their children. We provide a home away from home to many couples on holidays and to those on business in the Northern Beaches. We are very popular as people do not wish to or cannot afford longer stays in hotels and its not like home. Our place is like home. If this were to be restricted we would be disallowing a modern valuable service/alternative to the hotel business. We are onsite and therefore can support our guests with local tips and of course never have our neighbours been bothered with the "party house" image that creates a negative view and creates an image that is not the case in most of the Short Term rentals in our experience. We are on many Facebook communities and like the sharing space support that is provided by our portal (Airbnb and Stayz/HomeAway). We have to be careful that hotels don't use scare tactics to say that STR in the home is dangerous. I agree with safety measures being implemented but this is self monitored and the review process certainly weeds out any unacceptable hosts who get poor reviews as they are removed from the systems. All in all, we love being hosts and meeting new people to host. We are not depended on the government for handouts either and will not get a pension. So why not embrace this model.

I agree to the above statement
Yes

From: no-reply@planning.nsw.gov.au on behalf of Department of Planning, Industry and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 14 August 2019 3:50 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Cc: DPE PS ePlanning Mailbox
Subject: Have your say on Short Term Rental Accommodation

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Waverton/2060

Submission

There should be apartment buildings banning STRA available for owners or renters to choose.

DA should be required for STRA apartments.

I agree to the above statement

Yes

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Wednesday, 4 September 2019 12:06 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
Wentworth Point 2127

Submission
Hi there,

From my personal experience with Airbnb as a guest & host so far, I really do think that as long as the hosts are keeping things professionally managed for the owner, and setting up appropriate rules and restrictions for the guests, with proper screening of quality guests, I am sure the stays will have minimum impacts to the local residents, meanwhile, boosting the rental market for the house owners, as well as the popularity for the suburbs as it attracts more tourists to experience living like a local, in ways benefiting local small retail businesses as well. I see this as a win win win win situation, hence it should really depend on the specific suburbs to implement the maximum days of short term rental for properties, rather than a universal strike rule for everywhere in NSW, as well as the whole country!

Thanks

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 11:06 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode

West Wyalong

Submission

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations.

I host on Airbnb because it provides flexible way for me to live in our family property while studying in Sydney and travelling back to country areas to work in the family business it has made this effective way both use the property and be able to rent while away for work I only have respectful people stay in our apartment and never had any issues

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it harder and more expensive for me to share my home.

I understand that the Government has made commitments to support "fair short term rental accommodation (STRA) regulation that supports the sharing economy".

Generally I support the Government's approach, however parts of the current proposals are unfair and fall short of the Government's commitments.

Specifically, I want to comment on the following:

STRA State Environmental Planning Policy

I oppose the requirement for costly complying development permits. This expensive permit will make hosting out of reach for most people who will be forced to pay hundreds or thousands of dollars for a permit to simply share their home. For hosts who share their home for a few weeks a year, this is a significant barrier to home sharing and will make hosting uneconomical. For holiday homes up and down the coast, and in the regions, these have existed for decades without these expensive permits which will end up making holidays across NSW more expensive.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to my home before hosting, such as expensive lighting systems. Both South Australia and Tasmania state clearly that hosting is an ancillary use of an approved residential dwelling – for the vast majority of hosts, this means there are no requirements to alter a home to be compliant with regulations. Put simply, if my house is approved to be safe for me and my family to live in, it's safe for my guests. I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of my home for home sharing

- Mandate smoke alarms – either battery operated or hard-wired
- Require evacuation or emergency plans and guest education

STRA Property Register

I oppose the potentially costly, complex, and onerous STRA property register. At every stage of consultation, registration has been considered, debated, and ultimately rejected. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances – usually for holiday homes or weekenders only – and a data sharing framework.

Code of Conduct

I support the Code of Conduct which overall is reasonable and representative of the home sharing community, and provides strong protections for hosts and guests from vexatious or frivolous complaints. I ask that the Government amend the Code to allow hosts such as myself to be covered by insurance directly provided by a booking platform.

As the NSW Government considers how best to regulate home sharing, the message of hosts across NSW remains the same - we want to work with you and have a say on developing fair, innovative rules that reflect how people travel and use their homes today, not last century. We don't want severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

I Don't agree with the 180 day ruling in Sydney areas as I don't see this fair, we are not going to unfurnish our property to rent out if we go over the limit while having our property for own use and rental at the same time, we would not want to rent full time as the property has been set up nicely for us to use and the short term guest, how is this going to effect the rental market which is already in a bad state of affairs with properties staying empty for many months affecting people trying to pay high mortgages, Real estates are also stating they cant ren furnished apartments?

Thank you for reading my submission.

I agree to the above statement

Yes

Re STRA – Submission from Strata Committee 21 Wilson Street Wollongong

Thankyou for the opportunity to make a submission re STRA

- 1 We live in a 25 year old residential block of 16 units where our owner/residents are part of a caring community, and contribute in many ways to help other less-able residents in the area.
- 2 Our block is in a prime location opposite Wollongong Harbour which would be ideal for Airbnb-type letting, if allowed.
- 3 Several years ago we adopted a Bylaw banning short term letting, after we had problems in the only unit that was tenanted and no problems since.
- 4 In recent years only 1 unit has an absentee owner, who has rented long term to family/friends, with no problems for other owner/residents.
- 5 But the situation has potential to change, after one unit recently sold and another is on the market.
- 6 We do not want Airbnb-type letting in our block, with the inevitable potential for “party house” tenanting, but we realise this “disruptor” is powerful and inevitable.
- 7 But today our Strata Manager forwarded information re STRA and apparently submissions close today.
- 8 We request that
 - a) A 90 days pa threshold apply for Wollongong CBD (which includes our block), not 365 days
 - b) Development consent be required for short term holiday letting in a dwelling only for that purpose or while the host is away on holidays

[REDACTED]

STRA Submission – September 2019

We believe consideration needs to be provided to the following in relation to the STRA Regulatory Framework:

- The SEPP STRA 2019 at Division 1 11 b), 12 c) and Division 2 13 c) states:

“the number of persons residing in the dwelling at any one time does not exceed—

*(i) 2 persons for each bedroom in the dwelling, or
(ii) 12 persons in total for the dwelling,
whichever is the lesser,”*

A six bedroom dwelling would house a maximum of 12 persons/guests. With this in mind:

- There are real concerns as to how and who is going to ensure compliance and enforce compliance in relation to the number of persons residing and the limit of 2 persons for each bedroom;
- There is no consideration of car parking in the SEP. There could be at least six or more vehicles, boats and jet skis if there are 12 persons residing. Potentially two, three or more families. This could cause problems with street and nature strip parking. This occurs without any safety considerations and beyond the local infrastructure capability. We believe that a three bedroom STRA dwelling should have two vehicle spaces, a four bedroom STRA dwelling should have at least three vehicle spaces and a six bedroom dwelling have five vehicle spaces.
- With 12 persons it is virtually a commercial enterprise and hence is unfairly competing with traditional commercial accommodation operators in the area, such as hotels, motels, etc.
- SEPP STRA 2019 at 4 (2) a) states that short term accommodation means that an existing dwelling lawfully provides accommodation on a commercial basis. Appropriate public liability insurance needs to be obtained and verified on a regular basis. Some of the dwellings in the SEPP STRA areas have boat ramps, jetties and pontoons on Council owned waterways (as seen on Clarence Valley SEPP STRA map page 14 of the SEPP STRA 2019). Many STRA dwellings have Council approved boat ramps, jetties and pontoons on Council owned land. There is no consideration of commercial usage, safety, insurance cover for public liability and licensing of boat ramps, jetties and pontoons in the Discussion Paper or Code.
- Where a pool is onsite at a STRA dwelling there is no consideration about pool testing and safety. Whereas commercial accommodation entities have strict requirements in relation to pool testing and safety.
- Traditional commercial accommodation operators have strict guidelines and regulations and are competing in an unfair environment with STRA. For example, traditional commercial accommodation operators have:
 - More expensive rates being zoned commercial as opposed to an STRA zoned as residential;
 - The pool is classified as a public pool with all the associated regulations. It needs testing each day, recording all the readings and making sure it is kept within set parameters necessary for public health and safety. This is not happening with STRA.
 - Regulations for the provision of car parking and disabled access.

STRA Submission – September 2019

- We have real concerns in relation to compliance and enforcement and the level of responsibility expected of local Councils. This is apart from local Councils funding for compliance and enforcement potentially negatively impacting on the community as a whole. Registry records should be made available to local Councils and Fair Trading fully fund Councils for compliance and enforcement responsibilities for STRA.
- Register data collection: we fully agree with the information on page 16 of the Discussion Paper, with what the register is to collect and how it is collected. The appropriate public liability insurance would need to be collected in the register and monitored for current validity. We believe that Fair Trading, local Councils and letting agents should have full access to the Register, particularly to monitor and ensure compliance and enforcement. However, hosts would only require information/data of the dwelling they manage.
- We also have real concerns in relation to the register of STRA and whether hosts/owners will register. There appears to be a reliance on neighbours to come forward which in turn could potentially result in neighbourhood hostility and disputes, altering the amenity in the area.
- Access to information in the register: information on whether a dwelling is registered as an STRA should be publicly available. This will protect future purchasers of the property or adjoining properties.
- All bookings should be done through the booking platform or letting agent. Consideration needs to be given on how to ensure compliance when a guest wishes to book a STRA dwelling. For instance, a return guest to a dwelling could directly contact the host/owner (or the host/owner invite the guest to directly contact them) rather than book the dwelling through a booking platform or letting agent. Hence avoiding increasing the number of days the dwelling was booked and in turn reducing the STRA dwellings amount of contribution for administering and enforcing the Code.

There appears to be a great reliance on honesty and good faith and the neighbouring community located near a STRA.

As STRA is a commercial operation we believe STRA should be subject to the same compliance issues, inspections, fees and charges as traditional commercial operators. Otherwise it is detrimental to the traditional commercial operators and the growth of STRA will potentially change the population demographic and amenity in areas.

██████████
██████████

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 4:58 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
Yelgun, 2483

Submission

I have lived in the Northern Rivers all my life: from Lismore to Bilambil; and myriad places in the Byron Shire for the last 20years (usually moving from area to area depending on rental prices). Being a distributor for the Echo Publication in Ocean Shores (New Brighton, South Golden Beach and North Ocean Shores) for a number of years I have seen the exponential growth in Holiday Lets simultaneous to rental increases and "market values" shooting through the roof. In my zone of distribution alone there are anywhere from 10-25% of abodes untenanted (empty) for the greater part of the year. The blanket of Airbnb coverage has directly impacted on the current housing crisis and cannot go under the radar hence unregulated any longer. Airbnb and Holiday Lets in general impact directly on the homeless epidemic we see rising swiftly over many shires and most definitely this one. In fact it has forced many locals to move on to other shires where the rent is cheaper and landlords are not greedy for the tourist (greater) dollar. It cannot be underestimated this shift is negatively effecting the local economy and most potently cultural richness and community integrity. As someone from the lower socio-economic, working class and holding tenancies more often as an individual I have directly experienced the landowners "withdrawal" of residential leases transferring to Airbnb holiday rentals. The incoming torrent of holidayers are not subject to any form of scrutiny nor responsibility to the local environment let alone holding connection or contribution to the local culture economically or otherwise. I strongly feel there should be a scheme of regulation placed upon holiday letting enterprises. Though I am on the frontline of this dynamic I don't offer great solution as I believe this problem can only be resolved with State Government influence on drafting new policy specifically focused on curbing/containing online holiday letting platforms. However I do feel that Airbnb should be much more accountable to their business strategy negatively impacting on local rental/housing communities as well as it's customer base's influence on local cultures.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 1:36 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Brunswick Heads 2483

Submission

I am an owner of a property in Brunswick Heads in Byron Shire which consists of 3 holiday apartments. This holiday accommodation is actively managed by a local real estate agency. I have never had any formal complaints from neighbors but when there has been minor concerns by them then the real estate has handled it efficiently/effectively. Note Brunswick Heads has a small/limited range of accommodation options so need privately owned holiday apartments to provide a different/missing type of holiday accommodation as well as to cater to the high demand. Re: Demand - My property is running at >90% occupancy rate with majority of guests at my property being from Sydney, Brisbane & Gold Coast (we are only 60-90 min drive south of the latter two). Note Brunswick Heads has always been a 'holiday destination' - Historically, many holiday houses were built/owned by businessman from Lismore/Kyogle/Casino who regularly vacationed here along with many other local/regional families so tourism in town is not a new or developing situation. It's growth over recent years simply hasn't been planned for or managed by Local/State Government. Hence, I totally reject the Byron Shire Council's request for a special 90 day limit for short term accommodation. I actually also reject the NSW Government's 180 day limit. Instead, I support unlimited time restriction (i.e. allow 365 days) & registration of all private owned holiday accommodation who must abide by a sensible/reasonable code of conduct policy.

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 8:14 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Suburb/Town & Postcode
BYRON BAY 2481

Submission

To Whom this May Concern,

I am very concerned with the effect that Air B&B is having on our Byron Bay community and the shire of Byron Bay.

We do have enough dwellings to accommodate our permanent residents..

But because of Air B&B our local community is finding it difficult to find regular full time rentals.

Particularly home owners who don't live in Byron Shire offering their places exclusively to Air B&B.

There is a growing community break down, losing community continuity and familiar support

Air B&B is putting pressure on our infrastructure without responsibilities and insurances..

This is a tourist town , Air B&B has created a Over tourist Town and we as local have to ware the brunt of it

...

I have heard of and experienced lack of accountable code of conduct from some of the Air B&B occupants.

I wish to request a continued 90 day window Only, for Air B&B in the Byron Shire

Yours Sincerely

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 2:55 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sunrise Beach Byron Bay NSW

Submission

We totally object to the lack of rigid planning laws to control Air B and B lettings in a community. Already residents are left without Residential 'rights' . Investors have a sense of rightful 'colonizing' in the region. There have been open displays of sexual predatory behaviour, ongoing peeping Tom behaviour, Drunkenness, and obvious sexual exploitation of visitors to the abode. This creates a squalid situation for all. To say nothing of the noise of loud fornicating!

A total erosion of Civil society values and Police that claim they are not funded to deal with all of the problems. Parking is impossible and many 'friends' sleep in cars and piss in Residential gardens. Its all very jolly for those who come to let their hair down but stress and chaos for the Residents who pay large rates and experience total loss of privacy.

If the State wants Air B and B reduce RATES of Residents and fund local Police to execute their protective roles!

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 12:40 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Byron Bay 2481

Submission

As retirees , we live in a Strata compound of 15 units with one shared pool and garden.
5 of the units are managed by holiday rental agents who place the units on AirBnB , LUXICO , A perfect Stay , etc etc .
We have never met some of the owners .
What gripes us is the constant flow of strangers in our compound,
The guests
The cleaners
The laundry
The maintenance
And the damage they do to our space and property.
We are not a resort
We do not have an onsite manager

When we complain about guests breaking things or making noise ,
The agents just throw us off as tho it's our fault .
We are sick and tired of having to stump up for owners who are ruining the amenity of our home compound in the name of profit to them .
BAN STHL in Strata Now !!

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 11 September 2019 11:52 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2031

Submission

Hello,

I'm not satisfied with this proposed law at all.

I don't think it recognises the huge benefits short term rentals bring to the community.

I regular stay in short term rental apartments or houses with my family for holidays. We have a young children and need several bedrooms and as we need to be careful with the diet, we need a own kitchen. The administrative burdens these laws create will make my family worse off as well as many other families.

I also own a three bedroom flat in the Eastern Suburbs of Sydney which I rent out at times on Airbnb. Most of the visitors are families from NSW and many of those even from greater Sydney. They visit Sydney with their families, are lovely guest, part of our community and we should have laws supporting such short term stays rather than hassle them with lots of burdens. Some guests are families that are visiting relatives that are living in our community, but have not a big enough property to host them. I'm wondering where these welcome guests and visitors when these laws lead to significant reductions of short term rental offers or/and significant increase of prices.

The additional fire safety measurements are completely random. Short term rentals are around for many years and in big numbers, so it should be easy to supply statistics that show significant increase of fire risk and some scientific proof that the intended measures are worth to taggle those. I've never seen such a thing and even think the opposite is true. You get ratings on AIRBNB and the host have a big incentive to keep the property in excellent condition, which includes fire alarms. Compare this to property on the market or rented out for long term tenants. There are many in bad conditions and when you own a property and ask a property agent they usually recommend to just rent it out and not invest and increase the quality including safety measures. How would a new tenant have any better info about the property and safety than a guest of a short term rental? If there is significant increase in fire safety (by butting the 10th smoke detector into a flat), why do we not reduce the risk for regular tenants the same way?

The bureaucracy and costs this law would bring to the community members is in no relation to the potential benefits. It makes short term rental relative unattractive, and the demand shows you that our people really love it.

What should be done?

I completely agree that host should be absolute honest about the property in their advertisement. The best host can't avoid to get guests that do not show appropriate behaviour. I would not mind if police is send when there are complains. I as host would even give them keys so they can go into the property anytime. Would even help preventing that people do anything illegal in the property (like drugs). Without police at the place at the time it's really hard to judge if complain is just from an envy neighbour. I would even be willing to install a noise measurement system on the balcony of my property (hosts get alarmed in real time when noise is too high at certain time and the system keeps are record). These are rare cases, but beside noise, there is usually no negative impact to the community at all.

I'm happy that a lot new flats were built in recent years in Sydney. Rents came down and there is quite a lot of apartments on the market to rent. Therefore Sydney is in a very positive way different to many cities in other countries and that's why I think we don't need restrictions for short term rentals (of course hosts or guest have to behave appropriately and there should be sanctions if not).

It's also not my view that we should give more rights to Strata management. I see State management

companies work as property agent the same time and they can lease flats in buildings they manage if they are long term rented. These management companies do not like Airbnb or other short term rentals just out of own financial interests.

Thanks for your time! ;)

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 3:38 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2043

Submission

I support the 8 points raised by the Owners Corporation Network for a by law to protect owners in Strata plans to regulate/limit short term rental in residential apartment complexes. Without strong controls our right to a liveable, shared residential space will be diminished by visitors who have no invested interest in maintaining an harmonious community environment.

I agree to the above statement
Yes

[REDACTED]

Director
Housing Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

SHORT-TERM RENTAL ACCOMMODATION DISCUSSION PAPER

The Attachment sets out my views, in seriatim, to the questions posed in your recent discussion paper.

The NSW Government position has been that local government authorities may continue to operate valid planning controls in the hiatus between passage of the STRA enabling legislation and its date of promulgation. There is abundant evidence that the Tweed Shire Council has 'taken licence with' this policy position.

The Council has a local rule that provides a limited pathway for residential property to be granted DA relief to be used for commercial (quasi-hotel) 'short term holiday letting' purposes. There is ample evidence that owners who are simply offering vacant residential tenancy of their properties are being summarily convicted of illegally operating 'quasi-hotels' without DA relief. I understand that some 80 owners have been bullied out of providing residential tenancies of a transient nature – a denial of their rights under NSW Residential Law and the indefeasibility of their Torrens title property registrations.

Most likely, countless others have 'ducked for cover'.

I have seen representations made to the Mayor and senior Council staff by targeted owners. The answers, to my trained eyes, indicate that some people in power are acting as if the hiatus provides a suspension of the normal rule of law.

My situation is that I can validly use my property for tourist as well as residential accommodation purposes. You might think that I should be saying "yippee Council -smash as many of my competitors as you can out of valid short-stay letting". However, the economic reality is that the 'licence taking' is having a toxic effect on my investment. It is destroying the critical mass of infrastructure needed to sustain a vibrant '5 star' tourist industry on the Tweed Coast –

- the ancillary business owners and their employees exist in a local economy that has little capacity to absorb displaced business sectors and employees.

A vibrant tourism industry on the Tweed Coast has inter-generation implications - priceless opportunities for local youth to earn after-school wages/acquire life skills/self-esteem to go on to vocational or tertiary education, improve their 'human capital' and make a greater contribution to society than they otherwise could.

Yours faithfully

[REDACTED]

FEEDBACK COMMENTS

Question 1: Tick

Question 2: Tick

Question 3: The '21 day rule' is a sensible improvement

Question 4: Tick

Question 5: It would be useful to collect data on whether owners are self-managing and, if so, whether they have accredited property management training. If the data were to show that 'amateur' self-managers are a compliance problem, then future regulations might be introduced to ban the amateurs.

Question 6: Tick

Question 7: Tick

Question 8: Tick

Question 9: The information should be made available to recipients on the basis that it is not for further publication

Question 10: Tick

Question 11: The provisions are appropriate – there should be discretion available in their application of penalties

Question 12: Tick

Question 13: There is no need to prescribe others

Question 14: Tick

Question 15: Tick

Question 16: Tick

Question 17: Hosts should pay a registration fee to cover half the OFT operational costs. The other half of costs should be recovered from costs awarded against people who have done the wrong thing. The fines should be paid into Consolidated Revenue.

Question 18: See the comment at Question 17

Question 19: Yes, this seems to be a reasonable dividend to be paid to Consolidated Revenue

Question 20: The letting platforms should be asked to require declarations as part of the listing process, as this would be cost-free to the Government and call-up offers from platform operators to work with Government

Question 21: The costs to industry would be negligible and easily absorbed in commission structures, if necessary

Question 22: There should be **NO** Government funding

Questions 23 to 26: None of these questions would arise if the booking platforms comply in full, as they have openly offered. The questions are 'sparring at shadows' in the absence of any evidence that the offers to comply are disingenuous

Questions 27 to 29: The proposals are more than adequate

Questions 30 to 32: Information should be disclosed on a 'needs to know' basis, with no additional reporting requirements on the industry

Question 33: Tick

Question 34: It is very important that the reforms are promulgated urgently and certainly before the coming Summer High Season. Some local governments have 'taken licence' to smash hosts out of the industry during the prolonged hiatus since passage of the August 2018 legislation. This is wrong in many respects as discussed in the covering letter

Questions 35: Tick

Question 36: Councils in key tourism areas (particularly the Tweed Coast and Byron Bay) should be given serious warnings to get with the NSW Government program, or else. People entrusted to operate under the rule of law are behaving questionably in the hiatus period, against the general good

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 3:15 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
GLEBE 2037

Submission

I am the owner of a class 3 boarding house approved for short term letting (less than 3 months). The proposed changes to the SEPP are discriminatory towards owners of DA approved class 1b and 3 properties if they continue to be bound by their DAs.

1. Complying Development: only class 1b equivalent residential properties (max 12 guests) must be considered complying development and must still have an onsite host (nb it must still be the owner's principal place of residence). Sthl is not suitable for strata without a DA. Local Council or a private certifier, must inspect all properties on an annual basis. This is the only way to ensure that mandatory fire safety standards are met.
2. Day Caps: There should be no unhosted sthl accommodation for fire safety reasons.
4. The Register: The planning law changes must not start without The Register, which must be run by Government or a neutral platform not operated or controlled by the short-term letting industry. Local Councils and NSW Fire and Rescue must have access to the data.
5. Host Obligation: There must be an enforceable obligation for hosts to register their premises before it is listed and used for STRA purposes. This should be part of the complying development criteria, so it is clear the use of unregistered premises for STRA is illegal and penalties apply.
6. Platform Obligation: There must be a legal obligation for platforms and agents not to list any unregistered residential dwellings for STRA. International experience shows that without such an obligation, platforms will continue to list thousands of illegal apartments. Platforms must also have an obligation to share data with State and Local Government and NSWFR. All listings and other advertising must clearly display the host's unique ID.
7. Charges and Fees: annual fire safety statements and inspection charges, commercial rating, and land tax should all be collected for all rooms used for sthl.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 12 September 2019 2:42 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Guerilla Bay 2536

Submission

I thank the NSW Government for moves to bring greater regulation to the Short-term Rental Accommodation Industry.

My submission is specifically in relation to the negative impacts STRA can have on neighbours. I purchased a home in a quiet, coastal hamlet on the south coast. Not long after the purchased, the neighbouring property was listed on Airbnb. Advertised as “6 bedrooms - sleeps 16”, it attracted large groups of usually young people. It was a ‘party house’ - bucks’ nights, schoolies, hens’ nights, etc. A large spa on the lower deck, not enclosed by solid walls, tended to be the focal point of loud, drunken gatherings that would go on well into the early hours of the following day.

I believe the proposed changes would go a long way to improving the situation.

The Discussion paper Question 4 asks: Are the general obligations for industry participants adequate? I believe they are not.

As one of the principal objectives of the Code is “protecting communities from anti-social behaviour such as increased noise for neighbours”, I believe Clause 5.5.2(a) needs to be more specific in terms of the “level, nature, character, quality, or the time” of the noise neighbours are to be protected from.

The interpretation of what “is likely to harm, offend, or unreasonably disrupt or interfere with the peace and comfort of neighbours” should not be a matter of personal opinion that is open for debate. Some councils list the type of noise and provide detailed time restrictions for the noise that can be heard in the living area of neighbouring properties.

Also, Clause 5.5.2 (a) refers only to noise. There are other anti-social behaviours that can have a very significant effect on the amenity of neighbours, e.g. leaving strong floodlights on throughout the night, discarding bottles and rubbish into neighbouring properties, guest's dogs roaming on to neighbouring properties in the unfenced environment.

For harmonious co-existence of STRA dwellings within communities, everyone must know exactly what is acceptable and what is not. Although 5.5.2 (c) and (f) go somewhat towards the existence of other forms of anti-social behaviour, I believe there needs to be more information specifying all unacceptable, anti-social behaviour. Perhaps, this is the intention of Clause 5.5.3, “The Commissioner may issue guidelines about what may or may not be appropriate conduct in accordance with section 5.5.2 of this code”.

I applaud the Proposed safety requirements applying to dwellings used for STRA where it states in Table 2: “No more than 2 persons/bedroom or 12 persons, whichever is the lesser”. A definite limit on numbers of

guests will go some way towards minimising the impact.

I also applaud the need for a Complying Development Certificate in ‘bushfire prone land’, that requires a ‘not present’ host to address the issues specific to bushfire prone areas, as outlined at 4.2.3.

The aim of the Code is to “set out the rights and obligations of STRA industry participants”, therefore, it is imperative that the rights and obligations are set out in sufficient detail to enable the management of compliance and enforcement.

It is encouraging to see that a complaints process will be put in place for alleged contraventions of this code. The proposals under Compliance and Enforcement are also very heartening.

However, if there is to be a harmonious co-existence of STRA within neighbourhoods, it is essential that the complaints process works well, and that compliance and enforcement are resourced sufficiently to ensure they actually work. In this way the Code of Conduct may achieve its aim and, if it does, everyone will be happy!

I agree to the above statement

Yes

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 20 August 2019 1:01 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
katoomba

Submission

I would like to support the move that the host occupier properties continue to be exempt for 365 days of the year and do not need registration for STRA

Also that owner occupiers are do not need to comply with bush fire regulations for STRA if they are on site while guests stay at the property as they do know what is required if evacuation is required during bushfire and the house has been approved previously for residential occupation on the land it occupies .

Fire safety standards for normal house that includes fire alarms and other normal house requirements and not those of a commercial building unless it is a strata title property .

I agree to the above statement

Yes

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Friday, 30 August 2019 10:35 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Suburb/Town & Postcode
2061

Submission

I oppose short term leasing as it might create crime opportunities to the residents in the building particularly safety etc

I agree to the above statement
Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 3:01 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Pottsville 2489

Submission

We do not agree that all bedrooms need smoke alarms. We have a 3 bedroom holiday unit that is serviced by one smoke alarm in the hall way central to all bedrooms entrances.

Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill.

We do not agree with a reduction of lettable days from 365 days per year in the Tweed Shire. More noise and traffic would be created if we chose to change to long-term rental (365 days) as we currently have an average occupancy rate of only 60% of the year.

We do not agree with Hosts having to have insurance that covers the Guests & their visitors belongings. How can a host be liable if a guest leaves the front door open and something is stolen, for example? This surely falls under travel insurance.

All complaints must go to the host / letting agent first in order to be given the opportunity to determine the validity of the complaint and to rectify any concerns within a reasonable amount of time. If the issue continues to be a problem, this is when the Commissioner should become involved.

We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.

Costs of administering and enforcing the Code should be apportioned across different STRA industry participants eg Registration Fee – for Guest to register; Registration Fee – for property to register (on off not annually); Administration Fee – per booking, per property paid for by Guest;

The penalty notice offense amount is excessive for a first offense. Maybe it would be more appropriate to determine the penalty amount around a certain % of the booking amount that it relates to.

Councils should have to apply for any request to limit number of days a holiday property is lettable prior to the establishment of the STRA register & the regulatory framework. Holiday home owners will need to determine the viability of continuing to holiday let with the reduction in income & costs associated with the compliance of the Code if the number of days a property can be let are reduced from 365.

Voluntary submissions from participants & / or surveys issued to registered participants should inform the review process.

I agree to the above statement

Yes

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 8 September 2019 12:26 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode

Pymont

Submission

I generally support the package released for comment, and make the following points:

1. STRA Register to be publicly available: I strongly consider that the register needs to be made publicly available. There is no enforcement or compliance mechanism provided in the Code to ensure that properties used for STR are placed on the register. Also owners of neighbouring properties who are not entitled to be notified but who may be impacted by STR need to be able to ascertain the status of a property and able to make a complaint.
2. Scope of guest obligations to occupiers of nearby properties (clause 5.5.2): The scope of this provision needs to be expanded to extend the obligation to occupants of nearby properties - not just those adjoining or of the same premises as currently drafted. I live across the street from a strata complex which is almost exclusively used for STR and often experience interruption to sleep and loss of amenity due to the conduct of the guests in that complex from 10:00PM through to 5:00AM. It is appropriate that I have the ability to make a complaint against such guests with the Commissioner.
3. Strata complexes - additional impact on common property and services: The 'package' (amendment Act, proposed Code and proposed Regulation) do not address a very real issue for Owners Corporations, being the cost of increased wear and tear, maintenance, cleaning and services use (water and electricity) of common property and common services (including waste disposal) caused by STR. Guests (of STR) are indifferent about such matters and mostly do not think or act like owners. These costs are borne by the Owners collectively and owners who engage in and profit from STR are receiving a material benefit from other owners, which is inequitable. This needs to be addressed by permitting Owners Corporations to pass bylaws to impose a levy on owners of lots used for STR to reasonably contribute to these additional costs.

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Tuesday, 27 August 2019 9:02 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
SOUTH DURRAS

Submission

Dear Madam/Sir,

I am a divorced/ single 65 year old women. I am extremely worried about the 180 night cap as renting my apartment in Sydney is my only form of income. I will not survive with only renting out for 180 nights. I will be forced to apply for the old age pension which I do not want to do.

A very worried citizen

Kindest regards

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Monday, 26 August 2019 2:34 AM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
2000

Submission

I encourage the short-term-rental accommodation to allow more people to support the travel industry, promote and share the Australia cultures by allowing controlled short term home stay. Given more choices to the larger group or family for staying in a family house with lower cost option compare to commercial hotel and resorts.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 9 September 2019 5:22 PM
To: DPE PS STHL Mailbox; stracode@finance.nsw.gov.au
Subject: Webform submission from: Have your say on short-term-rental accommodation
reforms > Content

Follow Up Flag: Follow up
Flag Status: Completed

Suburb/Town & Postcode
Sydney 2000

Submission

OWNERS AWAY ON SHORT TERM OVERSEAS ASSIGNMENT - AIRBNB

Hi, I have an apartment in Sydney, which is available for Airbnb guests.

As I am temporarily overseas working on a 2 year assignment, may I suggest that where the owner / host is not present and away for the short to medium term, the 180 days letting restriction not apply. It would make it financially and economically not viable for Australians to work outside Australia, as of course there are costs in maintaining a mortgage and other expenses such as Government rates and strata fees etc...and the added costs of renting overseas for a short term. A 180 day restriction would not cover these costs in Australia and outside Australia.

It is also the case that I go back at least twice a year on vacation and need access for myself and my family to my place (hence the reason for short term let v long term let).

In summary, may I respectfully ask the NSW Government to make this small concession for people in such circumstances, otherwise it could lead to undue hardship and having to possibly not take up overseas position...I am sure that this is not intended with this proposed policy. Thank you for your consideration.

Regards Jon.