

From: Nader Saleh <nader_k69@yahoo.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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
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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.

Regards,
Nader Saleh
30-34 Ocean St
Penshurst, Nsw 2222

From: Nadine Jeffcoat <nsjeffcoat10@hotmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Nadine Jeffcoat
290 Burrier Rd
Barringella, Nsw 2540

From: Nadine Pruckner <nadine_pruckner@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 to be able to afford our mortgage and stay in the suburb my husband grew up in.

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Regards,
Nadine Pruckner
2 Avon Rd
Dee Why, Nsw 2099

From: Nalini sharma <sharmana@telstra.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 to supplement my income and provide a comfortable lifestyle for my family. I have been working since I was 16. I was never dependent on government money. Paid for my own education and continued to work and support my kids education. I have always paid my share of tax unlike the multi millionaires who get away from not paying tax or the doll bludgers who never work and get all the benefits from government.

I have worked hard for what I have and now I am working towards my retirement.

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Thank you for reading my submission.

Regards,
Nalini sharma
3 Elan Close
Moorebank, Nsw 2170

From: Nan Horton <nanhorton@rocketmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 want to enable less wealthy travellers to enjoy Sydney, and, at the same time, maximise my income by offering my spare room to travellers.

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.

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Thank you for reading my submission.

Regards,
Nan Horton
17 Botany St
Bondi Junction, Nsw 2022

From: Nancy Coster <nancycoster@outlook.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 meeting people and it increases visitors to the country and it's my home and my choice who stays in my home just as it's your choice to have visitors in your home. After all you can have visitors who stay in your home and you can receive gifts for payments no one would know about. We are being open and honest and providing much needed places for people to stay and visit australia

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.

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Thank you for reading my submission.

Regards,
Nancy Coster
28 Rosemead Rd
Hornsby, Nsw 2077

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 8:36 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 20:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nancy

Last name

Hoerman

Name withheld

No

Info

Email

nandho@yahoo.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

I am against the new proposed State Environmental Planning Policy (Short-term Rental Accommodation) 2019 under the Environmental Planning and Assessment Act 1979 as it will entrench Short Term Holiday Letting in the Shire and not support residents.

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 6:55 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 06:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nancy

Last name

Lee

Name withheld

No

Info

Email

nancylee@internode.on.net

Suburb/Town & Postcode

North Parramatta 2151

Submission

Residents of strata units live there to enjoy a quiet life. They do this with the assumption that other tenants in the building will be quiet, friendly and cause as little damage to the common property as

possible.

If units are let for short terms, the tenants will be strangers to the strata units, they are more likely to have behaviour that is noisy and transient. Their interest in the property for a short time would be unlikely. They would not know the rules laid down by the Body Corporate and are more likely to have noisier tenants. The building the owners/tenants live in is designed for a limited number of people who are familiar with the building and could find their way around the area.

If an owner wishes to run a commercial scheme to his benefit and to the detriment of the neighbours he should not convert an existing strata unit to do so. He is making a profit to the disadvantage to other people who live in the unit block. He should look for a structure designed for a commercial business .

As I am an owner of a unit, I could make more money by letting my unit for short time purposes, but I respect my neighbours.

I agree to the above statement

Yes

From: Nancy Ling <lingpaul@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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I host on Airbnb because it supports by retire living and the ability for me to stay in Sydney while im away visiting my children abroad.

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.

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Nancy Ling
26 Sixth Ave
Campsie, Nsw 2194

From: Nancy Lloyd-Green <nanlloydgreen@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
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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.

Regards,
Nancy Lloyd-Green
98 Dee Why Parade
Dee Why, Nsw 2099

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 4:48 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 16:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Naomi

Last name

Sharp

Name withheld

No

Info

Email

naomibara@gmail.com

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: Narelle Smith <narelle.smith@iprimus.com.au>
Sent: Saturday, 7 September 2019 10:52 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Sent from my iPhone

From: Narelle Smith <narellesmith@iprimus.com.au>
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...

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
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Thank you for reading my submission.

Regards,
Narelle Smith
17 Blue Gum Ave
Sandy Beach, Nsw 2456

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 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

Categories: Purple category

Submitted on Tue, 20/08/2019 - 20:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Narelle

Last name

Ward

Name withheld

No

Info

Email

nandgward@gmail.com

Suburb/Town & Postcode

The Entrance 2261

Submission

How many people on panel making the decisions have actually experienced short term rentals where they reside I wonder?

We have and know how different life is without it.

Our apartment "Watermark" is considered to be a very successful example of strata living and much of that success we put down to the fact that we were able to introduce a Zoning By-Law, which links to the Wyong Shire Council 2013 LEP and the R3 Medium Density Residential zone defined within this LEP. The LEP currently requires the prior approval of the Owners Corporation before council will approve development consent for any short-term rentals within the building. Since implementation, our Zoning By-Law has proven very successful in prohibiting short-term holiday letting, stopped the associated problems, enhanced our quality of life and provided a safe and secure environment for lot owners and occupiers.

We had the support of the local council and should the current proposal to introduce the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 be successful, we will lose the ability to rely on the zoning to support our desire to maintain our way of life.

We are one of the few complexes that have experienced both living with and without short-term rental so we KNOW what awaits us if 26% of the owners - or more likely future business driven owners - override the desires of the majority.

From our experience - If the hosts live on-site there is much less chance of anti social behaviour but it still can (and has) occur but because we live in a regional area, we may have to put up with this for the rest of our lives in our home! From our experience we doubt owners would put up with the behaviour of guests that the rest of us have had to endure!

Our building security wasn't designed for segregating short term visitors and when short term letting was occurring here, we saw a spike in the occurrence of theft; littering and noise levels. Damage to common property has to be proven so things like super glue put into in locks upon leaving to prevent access to the unit has had to be paid for by the owner's Corp.

Additionally, having had reason to report continual noise and anti-social behaviour to NCAT before, we know how hard it is to prove a case or for the complainant to achieve justice as it is often impossible to present the amount of evidence required. More time & effort needed by innocent parties.

My concerns:

*Too much weight given to the importance of generating income and funds for the government and not enough importance given to quality of life to owners and occupiers of homes affected by STRA.

*Time-frame for review? Once adopted the state will rely on income generated and will be loathe to change their decision no matter the impact on the lives of people NOT making money from STRA.

*The lack of attention given to previously adopted By-Laws introduced at great time and monetary costs to prevent such issues by our Strata Committee. If the existing by-law was made under the Strata Schemes Management Act 1996 and was validly made, then I believe there is a good argument for THAT by-law to be valid.

*The increased costs to be borne by other residents -namely increases in insurance; cost of repairs

caused by guests; cost in time to Strata Committee members and others involved with reporting any anti-social behaviour; costs involved with repair and maintenance to common areas due to increased use & traffic in pool; gym; foyers; car-parks etc.
and most importantly.....

*THE IMPACT on residents not involved in this whole monetarily driven scheme.

Thank you for the opportunity to submit my response to this unfair and pecuniary legislation.

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: Natalia Bello <nataliabom@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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".

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Code of Conduct

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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.

Regards,
Natalia Bello
3 High St
Randwick, Nsw 2031

From: Natalie Alexander <nataliealexander@yahoo.com>
Sent: Wednesday, 11 September 2019 2:17 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.

Regards,
Natalie Alexander
268 Whale Beach Rd
Whale Beach, Nsw 2107

From: Natalie Rutherford <naduli_1@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 believe it is a great way to offer quality accommodation in areas that do not have available accommodation, and importantly are available to those with a larger family where traditional accommodation does not seem to offer a reasonably priced option.

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.

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Thank you for reading my submission.

Regards,
Natalie Rutherford
Redhead Rd
Newcastle, Nsw 2290

From: Natalie Smee <natalie.smee@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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 provides an affordable option for families to holiday and therefore benefit the whole of community.

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.

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Thank you for reading my submission.

Regards,
Natalie Smee
12 Royal Tar Cres
Nambucca Heads, Nsw 2448

From: Natalie Stevens <nataliestevens1978@hotmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 me to afford the cost of living in this suburb for me and my kids.

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.

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Thank you for reading my submission.

Regards,
Natalie Stevens
Howell Close
Newport, Nsw 2106

From: Natalie Virgona <natvirgona@hotmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 pay for part of the mortgage & bills whilst I'm on holidays or visiting family & friends. I enjoy welcoming visitors to my city & helping them with the local food places around my area & things to see & do.

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Thank you for reading my submission.

Regards,
Natalie Virgona
20-22 Ross St
Forest Lodge, Nsw 2037

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 2:30 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 14:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Natalie

Last name

Woods

Name withheld

No

Info

Email

n.a.woods@hotmail.com

Suburb/Town & Postcode

Byron Bay, 2481

Submission

Dear policy makers,

I am a resident of Byron Bay, having lived here for four years and established two businesses here.

While I believe that short term rentals like Air BnB have their place, I am concerned about the oversupply of air bnb properties in Byron Bay. Our town is being filled with unoccupied short term rentals, pushing residents like myself out of the town we love.

I support owners renting out their homes when they are away, but having investment properties permanently rented as short term accommodation is tearing apart our community. Our streets are filled with transient tourists, rather than permanent residents. Not to mention the fact that it is increasingly hard for residents like myself to find long term rental accommodation.

I am coming to the end of my current lease and will need to find a new place soon, but the prospects are not looking good. As more owners turn to holiday letting, the number of rentals available is diminishing. I am worried I won't be able to find an affordable rental in Byron, or even in the surrounding Mullumbimby or Brunswick Heads.

Please help our town maintain our sense of community and place a true cap on the number of days a property can be rented without an owner present.

We need more housing in Byron, not more Airbnb's.

Kindly,
Natalie Woods

I agree to the above statement

Yes

From: Natarlia Hansen <natarlia.hansen@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
Natarlia Hansen
69 Addison Rd
Manly, Nsw 2095

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 1:40 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 13:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Natasha

Last name

Dart

Name withheld

No

Info

Email

natashadart1@gmail.com

Suburb/Town & Postcode

BYRON BAY

Submission

The new planning policy will effect the hotel industry in Byron Bay. Working in a hotel, there are a lot of fees that need to be accounted for and so airbnb can charge a low rate. 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.

I agree to the above statement

Yes

From: Natasha Haynes <natashahaynes@iprimus.xom.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 am a single mother who gets no child support or government benefits. I share a room in my home to assist paying large bills as the cost of living continues to rise and allows me to take a break once a year. Without this varied, sporadic and valuable income I would struggle to make ends meet. To have to pay red tape to government to be permitted to do this would outweigh the small amount I make from it or have to have someone in my room more than I currently do.

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.

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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.

Regards,
Natasha Haynes
18 Croyde St
Stanhope Gardens, Nsw 2768

From: natasha howard <howard.sm@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
natasha howard
123 Calarie Rd
Forbes, Nsw 2871

From: Nathan Burgess <nafe_54@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Nathan Burgess
227 Cabbage Tree Rd
Grose Vale, Nsw 2753

From: Nathan Hughes <nathanhughesmk@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 believe hotels are dated and overpriced. Family's want to stay in a home not a shoebox hotel room.

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.

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Thank you for reading my submission.

Regards,
Nathan Hughes
8 Rengbari Pl
Avoca Beach, Nsw 2251

From: Natika mishteler <navehdan@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Natika mishteler
18 Streatfield Rd
Bellevue Hill, Nsw 2023

PUBLIC CONSULTATION ABOUT NSW SHORT-TERM RENTAL ACCOMMODATION REGULATORY FRAMEWORK

Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019

under the Environmental Planning and Assessment Act 1979

The planned alteration to the SEPP represents a circumvention of National Building Codes legislation and zoning regulations, and as noted in a precedent ruling by Justice Pepper, NSW Land and Environment Court:

“(It) undermines the planning regime of the (LGA) and ultimately of the State.”

***“In 2014, there were an estimated
216,000 STHL premises in NSW/ACT.”***

(Planning NSW ‘Options Paper’ July 2017)

Neighbours Not Strangers, September 2019

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Neighbours Not Strangers

10 September 2019

The Hon Robert Stokes MP (MSc BA LL M PhD)
Minister for Planning and Public Spaces
PARLIAMENT OF NEW SOUTH WALES

Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39, SYDNEY NSW 2000

Dear Ministers Stokes

REF: Public consultation about the NSW short-term rental accommodation regulatory framework

A NSW Government 'Options Paper'¹ states:

In 2014 NSW/ACT had lost 216,000 homes to short-term holiday letting (STHL).

The Hon Matthew Kean MP 18/97 16.3.18: *"There is currently no centralised register of STHL properties in NSW. Therefore, we are unable to provide you with an accurate number of properties in NSW that are currently used for STHL purposes."*

Neighbours Not Strangers represents in excess of 1,130 NSW Residents and their families. We also work in close association with other Residents Groups and accredited Bed & Breakfast operators across NSW, as well as those interstate and internationally. We have, since 2015, been responding to Government's request for Submissions and information. Noted is the NSW State Government's invitation to once again *'have our say'*.

On 30 May 2016, in a corridor of NSW Parliament House, the Strategic Planning Manager of one NSW South Coast Local Government Authority recommended to Senior Representative of Expedia/Stayz and HRIA/ASTRA (Australian Short Term Rental Association) that State Government should be lobbied to amend planning instruments so as to facilitate the tourist/visitor rental of residential housing state wide.

As of 25/08/19, that South Coast Local Government Area (LGA) had 47 fewer STHLs compared to the Byron Shire.

Everyone within society is subject to the same law; this stems from the doctrine known as "The Rule of Law". When three NSW State MPs had their Sydney dwellings listed on NSW Land and Environment Court Orders for the "Illegal Use of Premises"/STHLs and had failed to declare their properties and/or income to Parliament, Legal Counsel for the Department of Premier and Cabinet wrote (Reference: A223460) that they should be referred to the Independent Commission Against Corruption (ICAC).

Those whose professional expertise is in area of Planning advise, as a preliminary observation only:

1. *STHLs cannot sensibly be complying/exempt development as there is little chance of such development meeting the important National Construction Codes (NCC) and Fire and Rescue requirements.*
2. *STHLs could be complying development were dwellings to meet Class 1(b)/Class 3 NCC standards. The landlord would have to obtain a complying development certificate that certifies compliance with all the SEPP requirements. A complying development certificate would be required for a mandatory Industry Register.*
3. *The SEPP should include more development standards (Class 1(b) and Class 3) eg, no cameras within the dwelling.*
4. *STHL must include car spaces plus provisions for off-street drop-off and pick-up for visiting clients.*

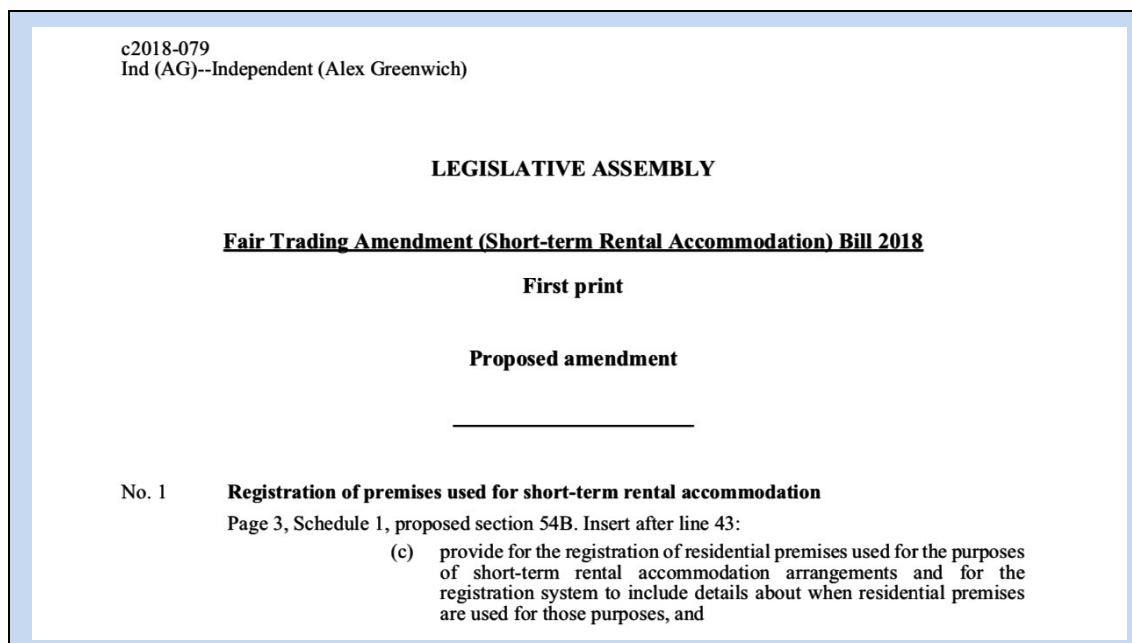
"Privacy" is always put forward by Airbnb to cloak the identity of those using its platform to engage in an illegal use. Such is the reluctance of landlords to disclose their STHL properties; we can provide the names of five State MPs who have withheld details from Parliament. This demonstrates that, due to a lack of clarity, it is not possible to properly evaluate the certain, negative impacts the proposed changes will impose on our planning framework.

Without a transparent registration and licensing system, it will not be possible to enforce any limitation on the permissible number of days and other requirements for STHLs, as proposed in the Department of Planning, Industry and Environment's (DPIE) pathway. Senior Members of Parliament plus thousands of other landlords know and use calendar synchronisation: the Leader of the Opposition's property is on some 75+ platforms in countries such as Armenia, Bolivia, Guatemala, Honduras, El Salvador, Nicaragua, Egypt, Russia, etc.

¹ <https://www.planning.nsw.gov.au/~media/Files/DPE/Other/short-term-holiday-letting-options-paper-20-July-2017.ashx>

It is also considered that the proposed definition of STHLs as a land use does not align with the definition in the *Fair Trading Act 1987* as amended by the *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018*.

Missing also is Alex Greenwich MP's amendment² that was accepted by both Houses of the NSW Parliament in devising the STRA legislation; this was the only amendment accepted:



That which is being proposed by the DPIE will almost certainly lead to an unintended land use characterisation, which will certainly be exploited by some operators who seek to circumvent the requirement for development consent where a 'use' will be argued to also satisfy a definition of "tourist and visitor accommodation". The Deputy Premier's STHL is but one example of a residential property used as a wedding reception/functions venue.

In the Standard Instrument Order, "serviced apartment" and "bed and breakfast accommodation" are included as types of "tourist and visitor accommodation":

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

Bed and Breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- a. Meals are provided for guests only, and
- b. Cooking facilities for the preparation of meals are not provided within guests' rooms, and
- c. Dormitory-style accommodation is not provided.

The proposed Draft Instruments will see STHLs permitted in all zones and strata buildings as either exempt or complying development. Most STHL operations are identical in practical terms to serviced apartments, which require development consent in some commercial zones but are prohibited in residential zones. That which is now proposed will lead to a 'prohibited land use' circumventing the requirement for development consent plus adherence to building, fire and disability access standards.

It must be said that there are serious concerns over how any of the proposed minor attempts at limitations and compliance will be enforced:

- How will it be established that the dwelling is the principal place of residence of the STHL landlord?
- Who will monitor the number of days per year a dwelling is offered as a STHL?
- Who will certify that the dwelling meets Fire Safety Standards and that all equipment is functioning?

As with the current system covering accredited accommodation providers, we strongly recommend that the only satisfactory oversight on properties used for STHLs would be via a State register, with premises routinely inspected by Councils. As is currently the case, commercial rates and charges levied on accredited accommodation providers would see STHL landlords providing a revenue source for councils to fund certification oversight and the enforcement of residential zoning.

² <https://www.parliament.nsw.gov.au/bill/files/3525/LA%20Amendments%20agreed%20to.pdf>

Council registers would also facilitate the collection of data on dwellings operating as STHLs and their impacts on the availability of housing. As widely known and reported in the international Media, whole city centres and popular tourist areas are being emptied of Residents, as thousands of homes are converted to STHLs.

With no revenue derived from STHLs, Councils across NSW are refusing to investigate widespread illegal operations by commercial operators. Or might one suspect that LGA administrators are involved in STHLs?

As the NSW Government currently does not have a figure on the number of homes lost to STHLs, the proposed changes will continue to have a major impact on communities where a higher percentage of properties are used for STHL. The impact on neighbours and residential communities cannot be underestimated.

Reference Submission to NSW Parliamentary Inquiry - Maestri Towers/Dr Michael Heaney – marked 'Confidential' by Parliamentary Committee Members. Also:

"The financial cost of the increased wear and tear is borne by all owners. One Sydney building commissioned reports on the impacts, and tracked the annual savings after removing all short-term lets (205 of 384 apartments at the peak). The building saved \$1.3m over 3 years, while reducing levies 5% per year in each of those 3 years. Few strata owners realise that all owners are jointly and severally liable for costs incurred. What if your building insurance does not cover a claim if a short stay guest is injured or worse?"

Reference Submission to NSW Parliamentary Inquiry – Submission No. 22 – described by the Manager of the Inquiry as "the most graphic" of the 212 Submissions received and marked 'Confidential' by Parliamentary Committee Members. The writer was denied permission to address the Inquiry:

"The Land and Environment Court judges mixing permanent residents with short-term rentals as 'fundamentally incompatible'. Be assured, it's a living Hell."

There is also an unquantifiable value to exclusive use for residential purposes. The fact that residents know all occupants in surrounding homes and apartments not only provides a sense of community that is missing in properties where occupants are transients, at the same time there is a significant element of reassurance and security which cannot be underestimated.

The DPIE draft documents set out plans to circumvent National Construction Codes (NCC) plus a long line of authority in the jurisdiction that has been established in the NSW Land and Environment Court (LEC). As is his prerogative, a former Minister for Innovation and Better Regulation failed to acknowledge advice from a leading Senior Counsel who specialises in the areas of Planning, Environmental and Local Government Law, Building and Construction, and Negligence of Statutory Authorities.

Given the involvement of State Government Departments – Destination NSW and National Parks NSW – as facilitators of unlawful STHLs, we repeat our request to Premier Gladys Berejiklian and Ministers in seeking voluntary Orders from the NSW Land and Environment Court³, restraining these Government Departments offering Class 1(a) and Class 2 dwellings as STHLs. In line with legal precedent, such Orders do contain the following Penal Notice:

THIS PENAL NOTICE is given in accordance with the Uniform Civil Procedure Rules 2005 (UCPR) part 40 division 2 rule 40.7.

TAKE NOTICE that the Order made by the Land and Environment Court...(which bears this Penal Notice) will, if you disobey the Order, render you liable to imprisonment or to sequestration of property in addition to liability for a fine.

As per the draft documents provided, alterations to the State Environmental Planning Policy (Exempt and Complying Development Codes) must be of minimal environmental impact, and...

The current proposal to alter the SEPP deeming STHL as 'exempt' and 'complying development' represents an incalculable impost plus it provides zero relief to NSW residents and accredited accommodation providers. Also, under the proposed changes, a Court may well hold that Section 149(2) Certificates (EP&A 2000) previously issued to be false and misleading.

A critical issue for Parliament: in placing the financial goals of short-term rental platforms, such as Destination NSW and Airbnb, over the rights of residential Title Deed holders, any exercise of discretion must **avoid actual or apprehended bias**. (NSW Ombudsman.) Do the rights of residential Title Deed Holders and accredited accommodation providers count for nothing in the eyes of the DPIE?

At no time during the Parliamentary review process have Ministers provided legal advice on this matter. The Manager of the Parliamentary Inquiry confirmed in writing that legal advice was not sought by Inquiry Members.

³ NSW LEC Case number 14/40923 27 March, 2015/30 April 2013

The DPIE's proposals do not reflect the lawful use to which the land may be put under valid zoning restrictions and development consents. These restrictions and consents were clear to all at the time of purchase.

It must also be borne in mind that for many years now the City of Sydney has been issuing development consent conditions limiting the use of residential flat dwellings for residential purposes only. (See most recent example⁴, 18 July 2019, typically):

"The development must be used for permanent residential accommodation only and not for the purposes of a hotel, motel, serviced apartment, tourist accommodation or the like, other than in accordance with Sydney Local Environmental Plan 2012.

If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.

No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation."

There is provision for the owners of Class 1(a) residential dwellings to seek the approval of neighbours and Local Council to 'share' their home and operate an accredited, staffed Bed and Breakfast. The property may then be advertised on the hundreds of booking platforms offering STHLs.

Making STHLs exempt and complying development under the SEPP sets out to invalidate residential development consent conditions, which expressly prohibit short-term lettings. An immediate tension between the exempt development provisions and existing development consents that clearly prohibit STHLs will be present.

The NSW Government must acknowledge that a development consent may be regarded as a right or privilege acquired under a statute or statutory rule that would be preserved under s 30(1)(c) of the Interpretation Act 1987 (NSW) even if the Act under which the right was accrued is amended⁵. The DPIE cannot assume that the planned amendment of the SEPP would invalidate the conditions of development consent that are in force and prohibit STHLs.

The NSW Government must respect the proprietary rights of owners of existing residential dwellings plus protect the rights of our State's accredited accommodation providers.

When Airbnb landlords sign up with the service to let people stay in residential dwellings, the company takes the step "to protect their privacy and safety": The property address isn't publicly listed, and is only provided after clients book and pay. In very many instances 'rocket science' isn't required to find the location of the property, yet during the last four years when details of literally hundreds and hundreds of non-compliant properties have been provided to NSW Local Government Authorities, all LGAs have refused to take enforcement action.

National Construction Codes for Class 1(b) and Class 3 buildings must be met.

- The Agent who 'managed' a holiday home in which a 4-year-old boy was burnt to death near Adaminaby (redacted official documents included in this submission) has, since this deadly incident, simply changed the name under which it now operates.
- We queried compliance issues with the Cooma Visitors Centre, which is operated by the Snowy Monaro Regional Council. In response, local STHL operator and ASTRA/HRIA Board Member Joan Bird was assured by the Cooma Visitors Centre: *"Don't worry we have deleted the trolls – that's all they are! We have no need for their comments, especially when they are not even from our region."*
- Cooma Visitors Centre social media page is managed by "1 Team Member". The Team Member is Mayor John Rooney,
- Correspondence from Snowy Monaro Regional Council (06 May 2019) states: *"...Council approved these types of buildings for the same purpose as "Serviced Apartments". Under the changes proposed by the state government there may no longer be a requirement for approval however we are still requiring approvals at present."*
- There appears to be no enforcement of Local Government Zoning or Federal Building Codes. And Council's Mayor considers queries 'trolling'.

A family has lost their four-year-old brother/son in horrific circumstances⁶. The child's mother was airlifted from to Melbourne after she was critically injured while attempting to save her son⁷. We have previously provided to State Government links to Coroners' Reports and will include in our submission the relevant reports for this incident.

At the last count 105,237 people were homeless in Australia (census night in 2011). In NSW, that number is 28,190 people⁸. According to Parliament, in 2014 there were 216,000 NSW/ACT homes lost to STHLs⁹.

⁴ <https://cdn.online.cityofsydney.nsw.gov.au/dasearch/determined/1436455-11470280.PDF>

⁵ Harris v Hawkesbury City Council (1989) 68 LGRA 183 and Lederer v South Sydney Council (2001) 119 LGRA 350 at 373

⁶ <https://www.abc.net.au/news/2015-07-24/young-child-dies-in-house-fire-while-on-holidays/6645090>

⁷ <https://www.abc.net.au/news/2015-07-25/woman-transferred-to-melbourne-in-critical-condition-after-fire/6647734>

⁸ <https://www.homelessnessnsw.org.au/resources/facts-about-homelessness>

⁹ <https://www.planning.nsw.gov.au/~media/Files/DPE/Other/short-term-holiday-letting-options-paper-20-July-2017.ashx>

“The loss of housing for rent posed by unregulated sub markets like Airbnb are (sic) a big issue. We don’t need to further inflame housing affordability.” Philip Thalys (City of Sydney Councillor, Hill Thalys Architects)

STHL and Airbnb operators are a mutation of our traditional accommodation industry. It is well past time for landlords/investors in residential housing to rent that housing to long-term tenants. An alternate is for them to consider investing their money in a commodity such as stocks and shares, Airbnb claims we are their “most penetrated market in the world”. We want our homes and our communities back.

In 2015 there were 5,247,199 motor vehicle registrations in NSW¹⁰. As of 2019, there are 6,221,283 Drivers Licenses on issue in our State¹¹. The State Government handles the licensing of both vehicles and drivers and heavy penalties and jail terms apply when regulations are infringed.

The State Government must take responsibility for the registration and licensing of STHL and their operators, and penalties and jail terms, which already appear in legislation, must apply when licensing regulations are infringed.

China appears to be the one jurisdiction in which Airbnb is meeting regulatory requirements. Airbnb claims it wants to ‘work with government’. And when it comes to compliance with NCC and Fire Regulations, why wouldn’t Airbnb and other Online Travel Agents (OTA) want their clients protected? As a sign of cooperation, Airbnb should share with the Planning Minister details of its operational compliance regime in China.

On 08 April 2008, the Minister for Fair Trading gave the following assurance in the NSW Parliament:

“The Office of Fair Trading would examine any improper or questionable actions undertaken by a(n)...agent, including actions that would be in breach of the consumer protection provisions of that Act...Penalties for breaching the legislation include a range of disciplinary actions from a reprimand to cancellation of a licence and disqualification from involvement in a real estate business¹².”

On 14 October 2008, the Minister for Planning gave the following assurance in the NSW Parliament:

“...I have stated publicly I will review any...proposal which has checks and balances and which properly balances people’s rights...with the need of the council to enforce safety standards¹³.”

On 23 May 2019, Troy Reid stated that NSW Fair Trading needs to see that which an Agent is doing is illegal and needs to receive advice from Council that the short-term rental of residential dwellings is against zoning regulations.

No one is suggesting that homes shouldn’t be leased to tenants or that co-tenanting arrangements should be stopped; quite the reverse. Residential housing is for housing Residents. Meanwhile, opponents of illegal STHLs are severely harassed and threatened on an ongoing basis.

An accredited NSW accommodation provider asks:

“My property is DA approved for short term letting (less than 3 months). I can’t see any point paying commercial rates, GST and tax anymore when it is my principal place of residence. I may as well just operate as a 6-bedroom Airbnb and save myself the hassle. Am I missing something?”

If the DPIE’s draft plans are implemented, will accredited accommodation providers be compensated for the infrastructure upgrades they have put in place to meet DA requirements, and will they receive reimbursement and compensation for the years of commercial rates and taxes they have paid to date? Will compensation be paid for a loss of business and income, when they have literally hundreds of unlawful STHLs in their immediate area?

And will the Minister deregulate the Accommodation Industry to downgrade all building and compliance requirements for Class 3-10 buildings to bring them in line with Class 1(a) and Class 2 residential dwellings?

In November 2015, submissions were lodged to a NSW Parliamentary Inquiry into the Adequacy of regulation of short-term holiday letting in NSW. Concurrently, Airbnb spent US\$8 million to defeat San Francisco legislation¹⁴. There is no transparency surrounding that which has been spent here in our State by the likes of Airbnb and Expedia/Stayz, HRIA/ASTRA etc in lobbying for these proposed changes. May we please have clarity and disclosure on this important issue? Cautionary note: In jurisdictions where STHLs are currently mandated to register, it is reported that up to half of Airbnb applications are denied due to the inclusion of false information¹⁵. Consultation with Officials in other jurisdictions is strongly recommended.

NSW is experiencing growth in tourist and visitor numbers and we support the Industry and our accredited accommodation providers. Housing and our residential proprietary rights must not be confused with Tourism.

¹⁰ <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/9309.0Media%20Release131%20Jan%202015>

¹¹ https://www.rms.nsw.gov.au/about/corporate-publications/statistics/registrationandlicensing/tables/table212_2019q2.html

¹² Answer received on 8 April 2008 and printed in Questions & Answers Paper No. 57.

¹³ Answer received on 14 October 2008 and printed in Questions & Answers Paper No. 89.

¹⁴ <https://www.reuters.com/article/us-airbnb-election-sanfrancisco-idUSKCN0SQ2CJ20151101>

¹⁵ <https://www.nbcbayarea.com/news/local/San-Francisco-Unregistered-Vacation-Homes-Surge-Fraudulent-Short-Term-Rental-Applications-538513141.html>

Parliament continues to ignore independent fiscal reports, such as the City of San Francisco's Financial Comptrollers who found that removing a single dwelling from the residential market would have a total economic impact on the city's economy of approximately -\$250,000 to -\$300,00 per year. This exceeds the annual total economic benefit from visitor spending, landlord income and accommodation taxes, given prevailing STHL rates¹⁶.

The Parliamentary Inquiry into the adequacy of the regulation of short-term holiday letting in New South Wales¹⁷ did not identify any inadequacies with current legislation.

At the reported behest of Minister Matthew Kean, we were asked to provide details of "Agents colluding with Online Travel Agents". We have since provided details. Top of our list:

- **Destination NSW (State Government) and National Parks NSW (State Government)**
- **Multiple Travel and Real Estate Agents plus what appear to be unlicensed large-scale operators**
- **Several NSW Unions**
- **There are multiple Members of Federal/State Parliament also profiting directly from STHLs**

The Drafts provided by the DPIE do not mentioned – nor is there any attempt to prohibit - residential dwellings being used as Corporate Venues or casual Workspaces. These practices are widespread.

No authority in NSW has control over OTAs in China, Russia, Singapore, Japan, New Zealand etc. Registration of NSW property/landlords is mandatory in order to meet certification requirements.

It is imagined that all OTAs would seek to protect both their clients. We recommend extending 9.47 of the NSW Environmental Planning and Assessment Act¹⁸ to cover illegal Short-Term Holiday Lettings:

Division 9.5 Civil enforcement proceedings

9.47 Evidence of use of premises as backpackers' hostel

(cf previous s 124AA)

- (1) This section applies to proceedings before the Court under this Act to remedy or restrain a breach of this Act in relation to the use of premises as a backpackers' hostel.
- (2) In any proceedings to which this section applies, the Court may rely on circumstantial evidence to find that particular premises are used as a backpackers' hostel.

Note.

Examples of circumstantial evidence include (but are not limited to) the following:

- (a) evidence relating to persons entering and leaving the premises (including the depositing of luggage) that is consistent with the use of the premises for a backpackers' hostel,
- (b) evidence of the premises being advertised expressly or implicitly for the purposes of a backpackers' hostel (including advertisements on or in the premises, newspapers, directories or the Internet),
- (c) evidence relating to internal and external signs and notices at the premises (including price lists, notices to occupants and offers of services) that is consistent with the use of the premises for a backpackers' hostel,
- (d) evidence of the layout of rooms, and the number and arrangement of beds, at the premises that is consistent with the use of the premises for a backpackers' hostel.

One understands that it is at the Minister's discretion, not the DPIE, to amend the State Environmental Planning Policy [SEPP]. Given Minister Stokes background and professional qualifications, one must have faith that the Hon Member comprehends the enormity of that which has been proposed. Serious concerns remain though: *"This structure, Mr Stokes said, was relatively liberal by world standards and would allow the [Airbnb] industry to develop by itself¹⁹."*

As per Justice J Pepper's judgment – legal precedent in the NSW Land and Environment Court - the Draft SEPP "undermines the planning regime of the Local Government Authority and ultimately of the State."

Alterations to the State Environmental Planning Policy (Exempt and Complying Development Codes) **"must be of minimal environmental impact"**. What the DPIE is proposing is a radical change to Planning; it is akin to the acquisition of our valuable proprietary rights without compensation. We have undertaken all due diligence and placed our life's work and savings into residential housing in zones and buildings where STHLs are clearly stated to be a 'prohibited use'.

Statistically, an extremely small proportion of Airbnb's business is "home sharing". Other OTAs – Expedia/Stayz included - divert entire homes/apartments for use as tourist/visitor accommodation. To support short-term tourist/visitor rental accommodation as a safe, certified and accredited "home sharing" activity and contributor to local economies, while managing the social and environmental impacts from this use²⁰...

¹⁶ https://sfcontroller.org/sites/default/files/FileCenter/Documents/6458-150295_economic_impact_final.pdf?documentid=6457

¹⁷ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=1956#tab-termsreference>

¹⁸ <https://legislation.nsw.gov.au/#/view/act/1979/203/part9/div9.5/sec9.47>

¹⁹ <https://www.smh.com.au/national/nsw/nsw-to-clear-the-decks-on-development-proposals-20190827-p52lc5.html>

²⁰ https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/AA+Exhibitions+STRA/Draft+STRA+SEPP.pdf

Neighbours Not Strangers calls for:

National Construction Codes of Australia Class 1(a) single dwellings only:-

1. **Complying Development:** Maximum 12 occupants - all National Construction Code Standards for Class 1(b) buildings must be met plus Development Approval obtained. **No 'Exempt Development'.**
2. **Development Consent:** Over 12 occupants – Development Approval required, and all National Construction Code Standards for Class 1(b) Class 3 buildings must be met. **No 'Exempt Development'.**
3. **Night Caps:** Staffed by a licensed Owner/Occupier ("home sharing" activity), 365 nights per year permitted in Class 1(b) or Class 3 buildings.
4. **Development Consent Conditions:** National Construction Codes of Australia Class 2 residential flat dwellings/strata schemes that have development consent conditions, however expressed, that prohibit STHLs, the prohibition must be allowed to continue in force indefinitely.
5. **Services NSW:** To create and manage registers.
6. **Services NSW:** To issue owner/occupier with a registration number/license - similar to a drivers licence number. Maximum one licence per individual. All entries to include: a) Landlord's name, b) Landlord's address (permanent place of residence), c) Contact information, d) URL,
7. **Services NSW:** To issue property registration number - similar to a car registration number. Maximum one registration per individual. In addition, and as per vehicle registrations, Services NSW's file to contain information on the property in question in that it complies with the required construction codes Class 1(b) or Class 3, fire and bush fire regulations, and that it has the mandatory insurances to operate as a STHL.
8. **Services NSW:** A Public Register displaying license numbers and address of all certified STHL properties to be open to public access.
9. **NSW State Government:** To reinforce current and all relevant legislation, with penalties and jail terms to apply when licensing and other areas of compliance are infringed.
10. **Platform Accountability:** Platforms must remove all listings that do not provide a verified, Services NSW license number. Failure to comply: Penalties and jail time, in line with current Environmental Planning and Assessment Act, Division 9.6 Criminal offences and proceedings²¹ – mandated. Platforms mandated to share data, including, booking information/records, with ATO, State and Local Government plus NSWFR. All listings and other advertisements must clearly display the license holder's number and registration number of the property.
11. **License Fees:** Annual fire safety inspection charges, commercial rating and land tax is payable on all rooms used for STHL. This is to cover administrative expense plus enforcement action against platforms that fail to delist illegal STHLs.
12. **Local Government Authority Commercial Rates:** To finance compliance inspections and enforcement action against those found to be engaged in the "Illegal Use of Residential Premises".
13. **(As per the NSW Land and Environment Court Act²², Section 20(2) (a) to enforce any right, obligation or duty conferred or imposed by a planning or environmental law of a development contract, the LEC has judged that a failure by a Local Government Authority to enforce residential zoning: "On any view, this is unsatisfactory and amounts to an effective abrogation by the council of its fundamental duties and responsibilities. These duties include, amongst other things, to manage development and coordinate the orderly and economic use of land within the area under its control. By leaving it to the Court to determine this important issue, the council, by its inaction, has, in my opinion, failed to fulfil its core functions and has failed its constituents²³."**
And
Section S124 of the NSW Local Government Act²⁴ should be amended to strengthened orders in relation to illegal STHL premises.)
Local Government Authorities: To prevent the unlawful short-term commercial letting of residential housing, Local Government Authorities in NSW must be mandated to enforce Development Consents, Residential Planning and Zoning, National Construction Codes and Federal Disability Access legislation, plus Fire and Rescue NSW criteria.

The proliferation of illegal STHL operators is a serious problem for NSW residents, visitors and accredited accommodation providers. What is currently being proposed by the DPIE removes from all NSW Residents the ability to live within a residential community or residential Strata building. The livelihoods of our remaining small accredited accommodation providers are also in peril.

We await the Minister's response

Trish Burt

Convener

Neighbours Not Strangers

Email: neighboursnotstrangers@gmail.com

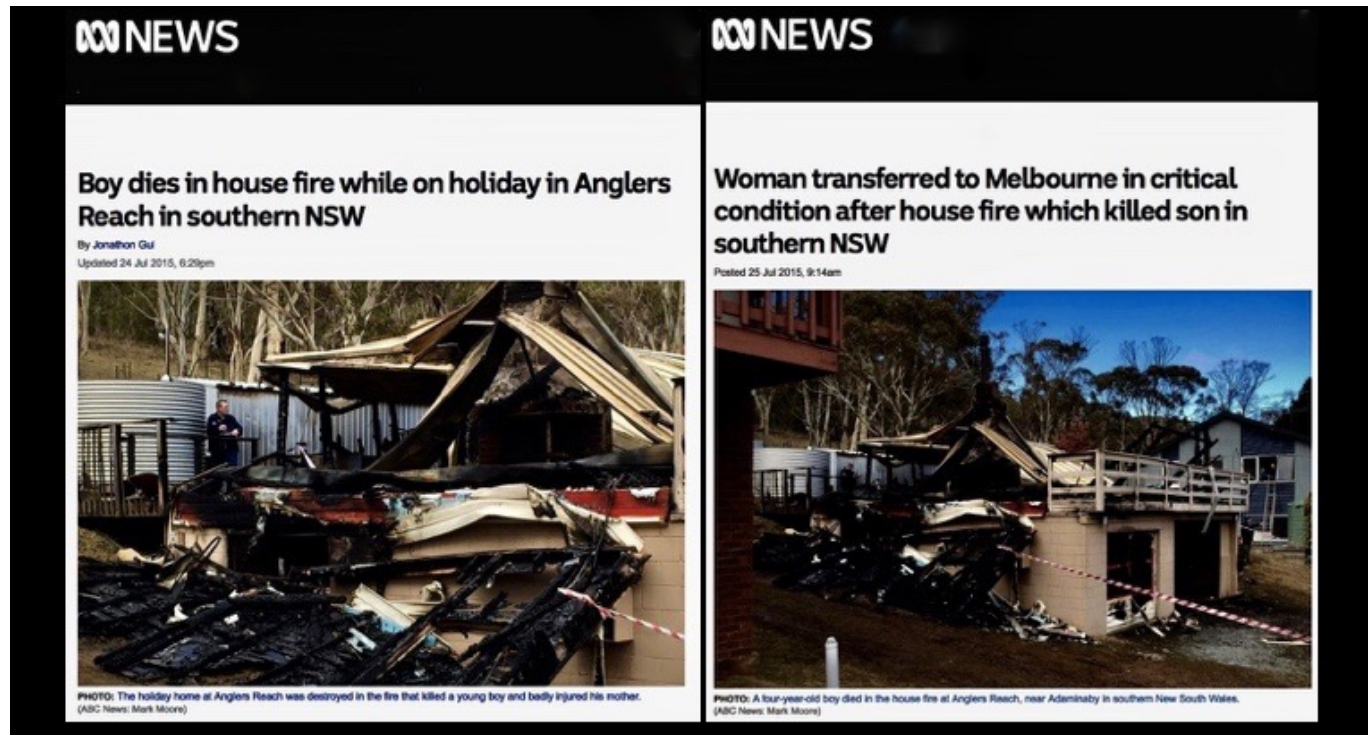
²¹ <https://www.legislation.nsw.gov.au/#/view/act/1979/203/part9/div9.6>

²² http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/laeca1979274/s20.html#class_4

²³ <https://www.caselaw.nsw.gov.au/decision/54a6399b3004de94513da983>

²⁴ http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s124.html

SHORT-TERM RENTAL ACCOMMODATION FIRE SAFETY STANDARDS



The issue of fire safety is paramount; coronial inquiries and reports have been sent to the NSW Parliament in our earlier submissions.

- The death of a four-year-old Victorian child in a fire at a holiday rental property near Adaminaby in July 2015²⁵
- Woman transferred to Melbourne in critical condition after house fire which killed son in southern NSW²⁶
- The 20 lives lost at Sandgate and Childers²⁷
- The deaths of Sunil Patel, Jignesh Sadhu and Deepak Prajapati at Footscray²⁸
- The deaths of Leigh Sinclair and Christopher Giorgi in Brunswick²⁹
- The death of Connie Zhang (and Ginger Jiang left permanently incapacitated) at Bankstown³⁰

Our Federal and NSW legislation is the result of ongoing constant modification and upgrading, with the aim being that of protecting residents and those who come to study, work and holiday in NSW.

We provide this closing summary from the **Queensland State Coroner** in respect of the **Palace Backpackers Hostel fire in Childers**. Coroner Michael Barnes wrote:

"It is apparent that since the fire there has been a very high level of commitment and activity across numerous State Government departments and local authorities that has seen a metamorphosis in building fire safety. However, there is always a risk that as the horror of the Palace Backpackers Hostel fire fades from the public consciousness, and new priorities demand the commitment of extra financial and human resources, these reforms will be allowed to degrade. I know the professional and volunteer fire fighters of this State who risk their lives when fires occur would prefer sufficient resources continue to be devoted to prevention. It is incumbent on their superiors and the State Government to continue to provide the leadership and the resources to enable that to happen."

We include in our Submission the redacted **Officer In Charge (OIC) Statement, NSW Police**, Death (of four-year-old boy) – House Fire at 65 Illawong Road, Anglers Reach, 01 October 2015, and the **Coroner's Report on Dispensing with an Inquest** (See Annexure A, pages 35 onwards). The Travel Agent³¹ who 'managed' the

²⁵ <http://www.abc.net.au/news/2015-07-24/young-child-dies-in-house-fire-while-on-holidays/6645090>

²⁶ <https://www.abc.net.au/news/2015-07-25/woman-transferred-to-melbourne-in-critical-condition-after-fire/6647734>

²⁷ http://www.courts.qld.gov.au/data/assets/pdf_file/0004/86647/cif-childers-palace-hostel-fire-20060707.pdf

²⁸ https://www.justiceconnect.org.au/sites/default/files/Coroner%27s%20findings%20-%20Patel_0.pdf

²⁹ http://www.coronerscourt.vic.gov.au/resources/2c43be8d-f8f6-41a0-b66a-bcd8d4375f2a/leighsarahsinclair_372706.pdf

³⁰ <http://www.coroners.justice.nsw.gov.au/Documents/Zhang%20findings%2018%2009%2015%20FINAL.pdf>

³¹ <http://www.selwyncentre.com.au>

property at the time of the deadly fire now advertises under another name and currently operates 70 STHL properties.

Accredited Accommodation Providers (in the Council of the City of Sydney) display at the front of their premises under a Development Control Plan, or in a Fire Control Room, the number of rooms and persons per room. These premises must have fire stairs isolated, and – Bed & Breakfast Operators in the City of Sydney - have their premises inspected monthly by an independent certifier. Fire alarm and equipment are inspected on each monthly visit plus all other certification requirements (lights, smoke alarms, fire extinguishers etc) are checked quarterly. A log book is kept for Council 'spot inspections'.

It is a current requirement that owners of dwellings used for commercial purposes must hold and submit a fire safety certificate that certifies that specified, essential fire safety measures have been installed and perform in accordance with the relevant BCA/NCC requirements and Australian Standards. An Annual Fire Safety Statement is then prepared, certifying that the essential fire safety measures have been tested, are operational and have been maintained in accordance with the relevant requirements and standards. This Statement certifies that a qualified person has assessed the fire safety measures and found them to be performing to the appropriate standard. Details for NSW Council requirements are available on the Internet³²

Of the 216,000+ homes (2014 NSW Government figure) operating as STHLs, it is estimated that only those who have sought a Development Approval through their LGA to operate as certified tourist/visitor facility meet all legislative requirements. A major concern is that every NSW Council we have contacted over the last two years has confirmed that they will not undertake enforcement action required against illegal STHL operators; Councils are 'waiting instead for the NSW Government to conclude their review of this issue'.

Context

The protection of residents and visitors to NSW, and property and the environment, must be protected. National Parks NSW has 82 properties currently rented as STHLs. Most if not all would be in or adjacent to bushfire zones. It was necessary to forward to National Parks NSW a copy of a link to the Australian Building Codes Board for them to respond to questions around the certification of their properties. In response a Member of Staff wrote:

"Broadly speaking all of our accommodation offerings meet the Building Code of Australia standards. The majority of our accommodation buildings are classified as Class 1. (No specific classification was provided.)

There are a few instances where we have received exemptions from the Building Code, for example in some of the heritage buildings where strict adherence to the code would impact on the significant heritage fabric of the building. In all instances we make every effort to ensure that the accommodation is safe and suitable for our visitors."

In the deaths of Leigh Sinclair and Christopher Giorgi, and in the death of Connie Zhang and permanent injury to Ginger Jiang, the Local Government Authorities had been notified and were aware of non-compliance issues in regards to Fire and Rescue. No enforcement action had been undertaken.

In the deaths of Leigh Sinclair and Christopher Giorgi, the Victorian Coroner³³ recommended that Municipal Councils, in conjunction with the State Government/Consumer Affairs, and Victoria Municipal Councils, implement a licensing system for all rooming house/accommodation operators and, in order to ensure the effectiveness of this legislation, to order the closure of premises and/or the bringing of criminal prosecutions in appropriate cases.

Following the death of Connie Zhang at Bankstown, the NSW Coroner³⁴ made direct recommendations to the Minister for Planning (NSW) and the Minister of Health (NSW):

That the Department of Planning and the Department of Health develop (jointly or individually), in consultation with Fire and Rescue NSW, Australasian Fire and Emergency Service Authorities Council and the Australian Building Codes Board, the capacity to collect and publish data regarding fire-related injuries for use in the development of fire safety policies and reforms (and see below regarding the collection of non-injury related economic cost data)

That the Department of Planning and the Department of Health (jointly or individually) engage interstate counterparts with the objective of establishing the uniform collection and publishing of data on fire-related injuries for use in the development of fire safety policies and reforms.

To the Minister for Planning (NSW), the Minister for Emergency Services (NSW) and the Minister for Fair Trading (NSW):

³² <https://www.firesafe-au.com/your-local-council/>

³³ https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=16&ved=2ahUKEwiukbGuxbHkAhWRT30KHexiDnwQFjAPegQIARAC&url=https%3A%2F%2Fwww.consumer.vic.gov.au%2Flibrary%2Fpublications%2Fhousing-and-accommodation%2Frenting%2Fgovernment-response-to-coroners-report-into-the-deaths-of-leigh-sinclair-and-christopher-giorgi.doc&usg=AOvVaw0kVXgGCD_Q9dK6JtpRFwL

³⁴ <http://www.coroners.justice.nsw.gov.au/Documents/Zhang%20findings%2018%2009%2015%20FINAL.pdf>

That a statutory regime be implemented for the accreditation and auditing of persons or entities that undertake annual fire safety checks and issue annual fire safety statements issued pursuant to the Environmental Planning and Assessment Regulation 2000. Consideration should be given to including Australian Standard AS1851 as part of the statutory regime as an option for meeting maintenance requirements for essential fire safety systems.

That the ministers consider legislative reform to allow lawful powers of entry for appropriately authorised inspectors from the Department of Planning, Office of Fair Trading, Council or FRNSW to inspect property in circumstances where a reasonable suspicion of unlawful occupancy is held.

To the Minister of Planning and the Minister for Emergency Services:

That consideration be given to implementing, in consultation with Fire & Rescue NSW, a statutory requirement that installations of new, or alterations of existing fire hydrant systems be approved by Fire & Rescue NSW prior to the issue of an occupation certificate.

That the Department of Planning, in consultation with Fire & Rescue NSW, develop the capacity to collect and publish data regarding the economic cost of fire including business interruption, property loss, displacement of residents, lost work time due to injuries including smoke inhalation injuries and associated business costs related to insurance payouts and premiums.

That the Department of Planning, in consultation with the Fire & Rescue NSW, examine the development of a star rating system for new residential building fire safety systems (in addition to mandatory compliance with the NCC regime) with the objective of readily informing the consumer about the overall efficacy of the building's overall fire safety systems and consider strategies to deter non-compliance with the fire safety requirements in residential buildings as provided by the National Construction Code and Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000.

That the Minister for Planning (NSW), in consultation with the Minister for Emergency Services (NSW) conduct a review of the efficacy of the enforcement powers of FRNSW in relation to fire safety with a particular focus on the effective and proportionate escalation of powers to ensure timely compliance with orders and the consideration of extending or clarifying those powers as they relate to structural matters.

That current changes proposed to clause 144 and clause 152 of the Environmental Planning and Assessment Regulation (2000) affecting the role of FRNSW in the assessment of alternative solutions be expedited so that FRNSW are better able to apply their resources on a risk basis when addressing building fire safety.

Fire Safety is a fundamental issue for the built environment. The vulnerability of building occupants to fire risk is influenced by the type and characteristics of occupants, building design and construction and location. There is a marked difference between clients of short stay accommodation properties (class 1(b) and class 3 buildings (BCA/NCC) compared to residents in residential dwellings (class 1(a) and class 2).

Coroners' reports lay bare the at times catastrophic consequences of inadequate or absent fire safety infrastructure.

Our federal building control regime and national construction code system is well established. A certified building control approach does not 'leave to chance' the safety of occupants and neighbours and does not function when a market is left to self-regulate and meet strict fire safety benchmarks. Our federal systems ensure a level of fire safety is met and is appropriate to the use of a building or site.

No matter the manner in which legislators wish to 'classify' STHLs, they are without doubt the same use/class as conventional short-stay tourist/visitor accommodation and have an identical safety risk profile. Short-stay accommodation providers must be subject to the same regulatory requirements and fire safety measures as those met by accredited accommodation providers. Currently STHL operators are, in the main, failing to provide residents and visitors with a reliable and effective safety outcome.

Clients staying within bushfire-prone zones would be considered to be particularly vulnerable, given their unfamiliarity with the area in which they are visiting. Most would be unfamiliar with the area and how to access information of a pending emergency. There is of course the added level of alarm when clients are from non-English speaking backgrounds and may not be able to react to the dissemination of public warnings or to understand instructions given in emergency situations. There is also the question for non-English speakers as to whether to 'stay put' and use the property as a 'safe house', or whether early evacuation is the best course of action.

Non-English speaking clients may also be totally unprepared in the event of an emergency; their decisions under pressure may place themselves, fire fighters and others a great personal risk.

All States of Australia have and should be following a clear national planning and building regulations framework; these are critical in managing risks to buildings and their occupants.

Bushfire requirements become clear through the building approvals process for land development and for changes of land use.

New building work which is designated for use as STHLs such as a guest house, hostel, hotel, motel or serviced apartment (a class 1(b) or class 3 buildings) is clearly defined. As such, emergency planning is a trigger in response to the vulnerabilities of both the clients and the buildings they occupy. Such buildings fall under much more stringent benchmarks in terms of hazard management areas when compared to what is required for a residential Class 1(a) or Class 2 dwelling.

Existing dwellings in bushfire-prone locations are often not designed or constructed to current standards for bushfire resistance. These dwellings are unlikely to have adequate separation from the hazard for their limited fire resistance. Such factors exacerbate the level of risk to any clients who decide to 'stay put' within the building during a bushfire situation.

The DPIE's proposals, which would see class 1(a) and class 2 residential flat dwellings used as STHLs, will place all users – residents and clients alike – at considerable increased risk.

Occupants of buildings class 1(b) and classes 3 upwards are considered to be at considerable risk, for reasons such as unfamiliarity with the building, the means of egress, the potential fire sources etc. Hence our clear regulatory system as set down in the National Construction Codes, which requires greater fire safety infrastructure for buildings that are used for commercial STHLs, when compared to buildings used for residential purposes:

*"The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used."*³⁵ **Repeating:**

- **Residential dwellings: are classified as class 1(a) or class 2**
- **STHL accommodation are classified as either class 1(b) or class 3 buildings, depending on scale.**

Comparisons of fire safety measures regulated via the NCC for class 1(a), 1(b) and class 3 buildings

Class 1(a) building (single family dwelling)	Class 1(b) building (visitor accommodation)	Class 3 building (visitor accommodation)
<ul style="list-style-type: none"> • Fire separation • Smoke alarms within hallways 	<ul style="list-style-type: none"> • Fire separation • Smoke alarms within each bedroom as well as in hallways • Access and egress • Evacuation route lighting 	<ul style="list-style-type: none"> • Fire resistance • Fire separation • Protection of openings • Fire fighting equipment • Access and egress • Evacuation route lighting • Smoke hazard management

Other legislative requirements and measures that have not been raised by the DPIE and which must be adhered to by STHL operators, in line with current legislation, include:

<i>Development Applications</i>	These are mandatory for commercial operations.				
<i>Disability (Access to Premises – Buildings) Standards 2010 (Cth) (room ratio requirements)</i>	<p>In addition to making common areas accessible, the Premises Standards impose a number of access requirements on accredited accommodation buildings, including the requirement that a proportion of rooms and facilities cater to disabled clients. The requirements are as follows:</p> <table> <tr> <td>1 to 10 rooms</td> <td>1 accessible room</td> </tr> <tr> <td>11 to 40 rooms</td> <td>2 accessible rooms etc</td> </tr> </table>	1 to 10 rooms	1 accessible room	11 to 40 rooms	2 accessible rooms etc
1 to 10 rooms	1 accessible room				
11 to 40 rooms	2 accessible rooms etc				
<i>Liquor Act 2007 & Liquor Act Regulation (NSW)</i>	<p>In order to serve or provide alcohol, accredited accommodation providers are required to obtain a hotel or on-premises licence. Requirements include:</p> <ul style="list-style-type: none"> • Rigorous 'community impact statement' process undertaken • Signage and record keeping requirements • Trading hour restrictions • Staff must be trained in RSA • Compliance with licence conditions • Payment of an annual risk-based licence fee + trading hour 				

³⁵ <https://ncc.abcb.gov.au/ncc-online/NCC>

	loading (up to \$5,550)
<i>Smoke Free Environment Act 2000 and Regulations (NSW)</i>	Restrictions include: <ul style="list-style-type: none"> Indoor smoking ban (clients cannot smoke in rooms) Smoking not permitted in 'commercial outdoor dining areas' Smoking not permitted within 4 metres of 'pedestrian access points'
<i>Food Act 2003 (NSW); Australian New Zealand Food Standards Code</i>	Accredited accommodation providers providing food need to: <ul style="list-style-type: none"> Register with council Appoint a trained food safety supervisor Comply with the Food Standards Code Are subject to regular council inspections
<i>Innkeepers Act 1968 (NSW)</i>	Sets out signage requirements and the liabilities of 'innkeepers'.
<i>Privacy Act 1988 (Cth)</i>	Requirements to adopt a privacy policy and abide by the Australian Privacy Principles. As employers, accredited accommodation providers are also subject to the <i>Workplace Surveillance Act 2005 (NSW)</i> that provides privacy protections.
<i>Employment Laws</i>	Mandatory
<i>Work Health and Safety Act and Regulations (NSW)</i>	Mandatory
<i>Compulsory Contributions to Employee's Superannuation</i>	Mandatory
<i>Workers Compensation Insurance</i>	Under NSW workers compensation legislation, every employer is required to have workers compensation insurance.
<i>Public Liability Insurance</i>	Contractual arrangements often specify a required minimum amount. Most accredited accommodation providers take out insurance to the value of \$20 million.
<i>Payroll tax</i>	Mandatory
<i>Company tax</i>	Mandatory
<i>GST</i>	GST is payable on all bookings and services
<i>Council (business) rates</i>	Accredited accommodation providers are charged commercial council fees
<i>Other commercial fees and charges</i>	For example, trade waste charges
<i>Parking</i>	Provisions for off-street drop-off and pick-up and parking for visiting clients vehicles

Emergency planning is mandatory for class 1(b) and class 3 buildings.

Without strict enforcement of regulations, current proposals allow for a change of use of residential dwellings to accommodate more vulnerable clients. Such a proposal effectively circumvents our nationally accepted standards for fire safety, as established and clearly set down in the National Construction Codes.

In a telephone conversation – 09 May 2019 – Mr Alan Nassau from Sydney's Inner-West Council advised³⁶: "Council receives hundreds and hundreds of complaints every week about Airbnb." Mr Nassau was asked to repeat his claim, which he did. When residents complain, the Inner-West Council will not take action against unregulated to short-term rentals.

The Senior Solicitor for the City of Sydney does not respond to written enquiries on this issue.

Australia's National Strategy for Disaster Resilience (NSDR)³⁷ acknowledges the increasing severity and regularity of disasters in Australia and the need for a co-ordinated, co-operative national effort. It identifies the need to reduce risks in the built environment and places clear priority on improving the strategic planning framework by

³⁶ Request REQ2019-030317 lodged

³⁷ <https://knowledge.aidr.org.au/resources/national-strategy-for-disaster-resilience/>

including natural hazards in land use planning schemes, building code standards and state and territory regulations.

The NSW Government's must focus on community fire safety and responses to the impact of fire and other emergencies. Nothing short of this is acceptable.

It is also imperative that one raises the issue of insurance, particularly for those in residential Strata. Strata Lot owners have unlimited liability and – as per testimony given during the 2016 Parliamentary Inquiry - currently there is a 'wait-and-see' approach by Government to a major event or incident in a Class 2 residential flat building.

As the use of uncertified dwellings for STHLs increases, so too does the level of unmitigated risk. This is an unacceptable risk to public safety. Key Requirements are:

- At all times, a building intended to be used for STHLs must provide appropriate fire safety for all clients and neighbouring residents. The number of nights that a building is occupied does not reduce the vulnerability of the occupants and neighbours. Adequate infrastructure must be in place from 'night one' of operation and thereafter,
- Class 1(b) requirements for fire safety deliberately call for working smoke alarms in every bedroom, in every corridor or hallway, and on each level of the building; visitors are highly likely to have closed bedroom doors, reducing the effectiveness of smoke alarms located in hallways. The effectiveness of smoke alarms is dependent upon the alarm being heard at the bed-head. Smoke alarms must be provided in all STHLs in compliance with either class 1(b) or class 3 buildings to ensure effective fire detection and timely warning for clients.
- Class 1(b) NCC requirements ensure that a pathway is illuminated from every bedroom to an external exit, and is activated when an alarm is activated. This is to increase the ability for rapid evacuation of occupants from a burning building. Visitors are unlikely to be familiar with the route to external exits, and in an emergency situation smoke may seriously reduce visibility and normal electric lighting may fail. Providing an illuminated pathway increases the likelihood of safe evacuation from a burning building.
- Class 1(b) building requirements include having an evacuation plan. This type of plan is well known to travellers using traditional tourist/visitor accommodation. A layout plan depicting the room location, the route(s) to safety and the assembly area is usually found on the door of rooms in hotels, motels etc. These plans are credited with ensuring the safety of visitors.
- Buildings in bushfire-prone areas occupied by vulnerable users are already required to have an approved emergency plan for bushfire. Similar to an evacuation plan for internal building fire, the bushfire emergency plan significantly increases the likelihood of survival for occupants and visitors during a bushfire. All STHLs within bushfire-prone areas should have an approved emergency plan for bushfire. STHLs which are staffed when visitors are 'in-house' see clients assisted in emergency situations. 'Unhosted' STHLs do not.

Recommendations

- 1 Class 1(a) dwellings which are used for commercial STHLs must have fire safety infrastructure in line with National Construction Codes – upgrade to class 1(b) or class 3, depending on occupancy levels,
- 2 In line with the Accommodation Association of Australia's response to the NSW Parliament's 'Option Paper' on short-term letting, any other building in which STHLs are conducted must meet requirements under class 3 of the BCA/NCC. Tents, campervans, yachts, tree-houses etc as offered by Airbnb, do not comply.

Conclusion

Currently there are known, severe policy and enforcement gaps for fire safety and accountability in terms of STHLs in NSW. Community fire safety and wellbeing are a priority in any regulatory environment.

Foreign-owned online booking platforms such as Airbnb, Expedia, HomeAway, Booking.com etc must play their roll in meeting legislative requirements and seeing to the safety of clients and neighbouring residents. So too the State Government's Destination NSW and National Parks NSW. Their operations must not simply meet but exceed community expectations. Where platforms refuse to account for or comply with legislative requirements, any reasonable layperson would deem this to be **aiding and abetting the illegal use of residential dwellings**.

HRIA/ASTRA Board Member Joan Bird providing compliance advice via Social Media to Airbnb landlords:

"Quick update to the question about the NSW fire safety requirements and someone already being ripped off by her electrician. We already have this in place for our newer rentals. Clipsal and others do a wireless interconnecting smoke alarm that we also use a 10 year lithium ion battery in. We have them hardwired into the existing lights – its (sic) where they should be installed as lighting switches are never supposed to be turned off in any property. Cost is about \$200 each plus installation. So as an approximate for a three-bedroom with single hallway approximate cost is \$1600 NOT

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (Short-term Rental Accommodation) 2019

Alterations to the State Environmental Planning Policy (Exempt and Complying Development Codes) **"must be of minimal environmental impact"**.

In line with judicial precedence set down by the NSW Land and Environment Court Judgments, the DPEI's Draft State Environmental Planning Policy [SEPP] 2019 -

"...is not trivial in nature."

"...the harm caused to the environment is not limited to the undermining of the planning regime. The adverse impact on the amenity and wellbeing of the (neighbouring residents) has been, as the evidence overwhelmingly demonstrates, severe."

"...the granting of development consent will bring no relief because it is prohibited within the 2(a) Residential Zone (and in Residential Strata)."

"...the granting of development consent will bring no relief to small, accredited accommodation providers."

The NSW Government must respect the proprietary rights of owners of existing residential dwellings and our law-abiding accredited accommodation providers.

THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

Under the Environmental Planning and Assessment Act 1979 No 203, a person who a) aids, abets, counsels or procures another person to commit, or b) conspires to commit, an offence against this Act or the regulations arising under any other provision is guilty of an offence against this Act or the regulations arising under that provision and is liable, on conviction, to the same penalty applicable to an offence arising under that provision.

Since Destination NSW's August 2015 partnership with Expedia/Stayz, one can find no record of penalties applied for the offence of the "Illegal Use of Residential Premises" for STHLs.

Following is a small sample of extracts from NSW case law judgments:

"For these reasons I find that there is a fundamental incompatibility between a mix of residential and serviced apartments that share the same floor and access points."

[2013] NSWLEC 61 (2 May 2013)³⁸ Jurisdiction Class 4

ZONE NO. 2(a) RESIDENTIAL

Objectives of the zone

The objectives of Zone No. 2(a) are:

- (a) to make provision for the orderly and economic development of suitable land for a variety of low density housing forms which are essentially domestic in scale and which have private gardens; and
- (b) to provide for other uses, but only where they:
 - (i) are compatible with a low density residential environment and afford services to residents at a local level; and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for low scale housing.

The Use of the Property (Short-Term Holiday Rental Accommodation) is Prohibited Within the Zone Because it is Not for the Purpose of a "Dwelling-house".

(An occupancy) "granted to persons who are residing in a group situation for periods of a week or less for the purposes of bachelors and hens nights, parties, or for the use of escorts or strippers, is, in my opinion, not consistent with a use or occupation by a family or household group in the ordinary way of life, and therefore, not consistent with the use of the property as that of a "dwelling house".

...regard must be had to the notion of "domicile" contained within it...and the critical element of permanence. Inherent within the term "domicile" is, as a long line of authority in this jurisdiction has established, the notion of a permanent home or, at the very least, a significant degree of permanence of habitation or occupancy.

(In Law) the place where one has his home or permanent residence, to which if absent, he has the intention of

³⁸ <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWLEC/2013/61.html?stem=0&synonyms=0&query=dobrohotoff>

returning.

...the facts disclose an absence of any permanent habitation or occupation. (Occupancies) of no more than a week are antithetical to this concept.

The evidence discloses that the use to which the property is being put – STHL – in fact “adversely affect[s] residential amenity” and “places demands on services”, on the police and the council in particular, by having to deal with complaints relating to its use, in a manner well “beyond the level reasonably required for low scale housing”.

(The rental of the property) as holiday accommodation for periods of a week or less to persons using or occupying it other than in the ordinary family or household way, does not constitute a “domicile”, does not constitute a “dwelling”, and therefore, does not constitute a “dwelling-house” for the purpose of item 2 in the 2(a) Residential Zone. The use of the property not being otherwise permissible, it is prohibited within the Zone and it constitutes development in breach of s76B of the EPAA.

...the property continued to be let to large groups of people who engaged in antisocial behaviour. This behaviour included shouting, screaming obscenities, strippers, escorts, who appeared topless in full view on the deck of the property, and the discovery of shards of a broken glass on his property...the antisocial behaviour often continued into the early hours of the morning, intruding upon the sleep of the family...the family have vacated their house in order to avoid the disruptive behaviour during weekends and school holiday periods...complaints to the police and the council...have not resulted in the diminution or cessation of either.

Before taking a booking for the property she emails prospective tenants a copy of the House Rules and the Stayz Holiday House Code of Conduct. It is only once the prospective tenant emails back confirming that they have read, understood and agreed to abide by these Rules and the Code of Conduct, that she confirms their booking. Moreover, prior to the booking commencing she meets with the tenants and ensures that they sign the House Rules. She also verbally advises them of the House Rules to ensure that they completely understand what is required of them with respect to their behaviour while they are occupying the property. In addition, she takes their licence details, confirms their identity, and takes a cash bond;

The local police have confirmed that no fines or convictions have been recorded with respect to the property.

She readily agreed that she could not guarantee compliance with the House Rules or the Code of Conduct. (She) stated, “I have no control over any other person do I really, in realist [sic], I can only control my own conduct I can’t control other – other people’s conduct.”

It appears that the council has been content for the Court to resolve the matter. On any view, this is unsatisfactory and amounts to an effective abrogation by the council of its fundamental duties and responsibilities. These duties include, amongst other things, to manage development and coordinate the orderly and economic use of land within the area under its control.

By leaving it to the Court to determine this important issue, the council, by its inaction, has, in my opinion, failed to fulfil its core functions and has failed its constituents.

[1992] NSWLEC 43 (3 July 1992)³⁹ Jurisdiction Class 4

The decision of the Court of Appeal (as was the case of this Court’s original decision) in terms, concerned, and only concerned, the question of the proper construction of the development consent granted by the Council on 19 January 1960 for the erection of a residential flat building and whether the Respondent’s use fell within or beyond the ambit of that consent, property construed.

At first blush the Respondent’s application appears to come into full head-on collision with long established principles which promote finality in litigation.

However upon more mature reflection I do not think in the present circumstances that the Respondent’s attempt to re-open its case offends these long established and salutary principles. In my judgment the Respondent did not act unreasonably in submitting to the statement of agreed facts and more particularly to the agreed fact that the relevant development consent was that granted by the Council in January 1960 to the erection of a residential flat building. It is a notorious fact that the existence of development consents granted many years ago is often a most

³⁹ https://docs.wixstatic.com/ugd/5a8126_d5be4877a647493fb66b7ceb6aafa86c.pdf

⁴⁰ <https://www.parliament.nsw.gov.au/ladocs/other/10065/Answer%20to%20question%20on%20notice%20Sutherland%20Shire%20Council.pdf>

⁴¹ <https://www.parliament.nsw.gov.au/ladocs/other/10065/Answer%20to%20question%20on%20notice%20Sutherland%20Shire%20Council.pdf>

⁴² https://docs.wixstatic.com/ugd/5a8126_3d8a03bfe9e742a2a1986b7e676f90a2.pdf

⁴³ <https://www.caselaw.nsw.gov.au/decision/549f8bb83004262463ada6bc>

⁴⁴ <https://www.caselaw.nsw.gov.au/decision/549f8eb83004262463ae626e>

⁴⁵ <https://www.caselaw.nsw.gov.au/decision/549f8eb83004262463ae626e>

⁴⁶ <https://www.caselaw.nsw.gov.au/decision/549f8daf3004262463ae1f42>

⁴⁷ <https://www.caselaw.nsw.gov.au/decision/54a6364e3004de94513d91cc>

difficult matter to establish.

The definition of "residential building" requires nothing more than use of human habitation. However, it includes within its terms descriptions of buildings or usages involving different kinds of human habitation. The kind of human habitation required to satisfy each of these will vary according to the nature of each of them and will, *inter alia*, require different degrees of permanency. Thus, a residential hotel may have a smaller degree of permanence than a residential club or a hostel. It is, I think, not inconsistent with the thrust of the definition that there should be within it a kind of category of residential building which envisages a significant degree of permanency of habitation or occupancy."

It only remains to note more particularly the effect on the Respondent's use of the new governing planning instrument. When it originally came into force on 3 November 1989 (see the Government Gazette of that date) the North Sydney Local Environmental Plan expressly permitted, subject to the obtaining of development consent, the carrying out of development on land within Zone No 2(c) (which includes the land upon which the "Blues Point Tower" building is erected) for the purposes of "serviced apartments" which was (and remains) defined as follows:

"serviced apartment" means a building containing two or more dwellings which are cleaned and serviced by the owner or manager of the building or the owner's manager's agent, and which provides short-term accommodation for travellers or tourists but does not include:

a hostel or a building or place elsewhere specifically defined in this clause;..."

However only six weeks later North Sydney Local Environmental Plan 1989 (Amendment No 1) was made (see Government Gazette No 124 of 22 December 1989). One of its express aims was:

"(c) to prohibit serviced apartments on land in Zone No 2(c)..."

This aim was effected by suitable amendment to cl 9 by deleting reference in item 2 ("only with development consent") to "serviced apartments" with the result that that purpose became an absolutely "prohibited" purpose).

For all the foregoing reasons I conclude that the Respondent's use:

- (i) is relevantly use for the purpose of "serviced apartments;
- (ii) is prohibited by the terms of cl 9 of the North Sydney Local Environmental Plan 1989; and
- (iii) constitutes a breach of the Environmental Planning and Assessment Act 1979.

Essentially the Court is being asked to pass over, this express prohibition and the Respondent's breach thereof, in the exercise of its statutory discretion, broad and salutary though that discretion be: cf *Warringah Shire Council v. Sedevic* (1987) 10 NSWLR 335.

1. Findings supporting the grant of a remedy

- i. the statutory prohibition on "serviced apartments" development within Zone No 2(c) can be supported by planning principles concerning urban consolidation, and promoting residential amenity;
- ii. the breach of the Environmental Planning and Assessment Act 1979 by the Respondent's use is contrary to the planning principles referred to in (i) though the actual harm caused by that contrariety is not great;
- iii. the Respondent's use, if unchecked, has the further potential planning detriment of creating a precedent for other serviced apartment uses of residential flat buildings within the Municipality of North Sydney; and...

I cannot regard, as the Respondent is inviting me to, the relevant breach of the Environmental Planning and Assessment Act 1979, as merely technical. The Respondent's use involves a clear breach of an absolute prohibition on a particular type of development effected as recently as December 1989.

In all the circumstances, I intend to grant the permanent injunction claimed by the Applicant to restrain the Respondent's unlawful use.

[2001] NSWLEC 89 10086 of 2001 (06 July 2001)⁴⁰ Jurisdiction Class 4

The use of the premises for short-term accommodation is a non-residential use, and is prohibited within the Residential 2(c) zone; and

The unlawful use of the premises is causing loss of amenity to the immediate adjoining neighbours.

His Honour determined that the term 'residential building' envisages 'a significant degree of permanency of habitation or occupancy'.

"I have discussed your question regarding the requisite degree of permanency required for you to lawfully use your unit in the 2(c) Residential zone with a senior planner. The minimum length of time for a person(s) to occupy the unit should be six (6) months"

This time period should satisfy the degree of permanency for the use to be classified as residential."

Accordingly, adopting council's contention, any use of residential accommodation for a period of less than six

months duration would constitute a prohibited use in the residential zone. Interpreted literally the order would prohibit the applicant from using the home unit for... 'short-term accommodation' by tourists.

Council's determination that use of residential premises for periods of less than six months does not constitute a residential use (and) has no statutory basis.

...the use of the premises was prohibited because the home units were occupied by third parties as serviced apartments analogous to a hotel use, or a commercial use. Such use is quite different to 'short-term accommodation' by an owner of his or her home unit.

[2003] NSWLEC 2, 40002 of 2002 (24 September 2002)⁴¹ Jurisdiction Class 4

The Council has argued that, following the grant of Development Consent 19/60 in February 1960 pursuant to the County of Cumberland Planning Scheme Ordinance (the Ordinance), the building could be used as a residential flat building and continues to be able to be used only on that basis. By that submission, the Council means that the use of the flats in the building should be as a permanent domicile or home.

The Council argued the Respondents had been using (their unit) for holiday and short-term accommodation and that activity is not a permitted use of the flat in the building given the existing development consent.

Under the relevant local environmental planning instruments...the building is in a Zone 2(c), Residential zone. The planning tables in the LEPs for that zone shows that holiday and short-term accommodation is prohibited development.

It seems to me the 2000 LEP is clear on what is permitted and not permitted in this zone...

In the end, my conclusion is that the meaning of the consent, though not determined by, is to be read consistently with the use of language in the relevant definitions...The definition of "residential building" requires nothing more than use for human habitation. However, it includes within its terms descriptions of buildings or usages involving different kinds of human habitation. The kind of human habitation required to satisfy each of these will vary according to the nature of each of them and will, inter alia, require different degrees of permanency... It is, I think, not inconsistent with the thrust of the definition that there should be within it a kind of category of residential building which envisages a significant degree of permanency of habitation or occupancy.

The description of a flat as a "dwelling" or a "domicile" carries with it the notion of that degree of permanency.

The precise extent of the short-term use of (the Unit) is impossible to quantify in terms of the evidence presented to the Court, but it would appear that it has been considerable in terms of a large number of people using (the unit) for short-term accommodation.

If the evidence established that such use was being conducted as a commercial activity...[that is, the short-term accommodation use], it would prima facie constitute a prohibited use in a residential 2(c) zone.

[2008] NSWLEC 88, 10576 of 2006⁴² (02 March 2007) Jurisdiction Class 4

Condition 6 of the consent stated that the accommodation within the building on levels 1 to 8 must not be used for the purposes of a "hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like..."

The applicant lodged Development Application...for the dual use of all apartments on levels 1 to 8 for residential and serviced apartments. The council refused the application.

Mixed-use development means a building or buildings in which two or more uses are carried out.

Residential accommodation in Central Sydney means a building or part of a building that provides permanent or long-term accommodation, and includes residential flat buildings, dwellings, boarding houses, hostels, student accommodation and the like.

Serviced apartment in Central Sydney is a form of tourist and visitor accommodation and means a building or part of a building that provides self-contained accommodation which is serviced or cleaned by the owner or manager of the apartments or the owners or managers agents.

Chapter 2 of the LEP 2005 provides requirements for Central Sydney. Clause 33 states that before consenting to development, a consent authority must have regard to the objectives of the zone. Clause 36 provides objectives for the City Centre zone. The relevant objectives are:

- a. to encourage Central Sydney's role and growth as one of the Asia-Pacific regions principal centres for finance, commerce, retailing, tourism, cultural activities, entertainment and government, and
- b. to permit a diversity of uses which reinforce the multi-use character of Central Sydney, and
- c. to facilitate the development of buildings and works that are scale and character consistent with achieving the other objectives of this zone, and
- d. to provide for increased residential development with appropriate amenity and to ensure the maintenance

of a range of housing choices, and

Central Sydney Development Control Plan 1996 (DCP 1996) also applies. Clause 2.13.1 states:

The consent authority should not consent to a mixed-use development which includes two or more dwellings unless it is satisfied that separate lift access and a separate entrance will be provided for use exclusively for the dwellings.

Clause 6.1 provides amenity requirements for residential buildings and serviced apartments. The objective is:

To enhance the amenity of residential buildings and serviced apartments in terms of daylight, solar access, ventilation, privacy, outlook, noise, safety, recreation facilities and storage.

The council filed a Statement of Issues containing 3 issues. The issues relate to:

- (1) the impact on the amenity of future residents, including shared lift access (Issues 1 and 2),
- (2) the precedent for similar applications (Issue 3).

...raised a further issue... He submitted under the terms of an existing s 88E Instrument, the site cannot be used "for any purposes other than as a "residential building" as that term is defined in the Central Sydney Local Environmental Plan 1996". As the proposed development is inconsistent with this requirement and as LEP 2005 does not contain any overriding provisions, the proposed development is prohibited.

Are the uses compatible?

The council officers report makes the following comments:

There is a difference in the living activity patterns and the behaviour of short and long-term residents, and the responsibility to resolve and control any conflict between the uses and occupants falls entirely upon the serviced apartment managing agency. Short-term residents have no long-term interest in the maintenance of the amenity within the building or the surrounding area....

I accept the council's position on (in)compatibility between residential accommodation and serviced apartments. While both are residential in nature, the fact that they are separately defined in the LEP 2005 would suggest that they have different characteristics. I agree that there is likely to be a difference in behaviour, living and activity patterns between short-term and long-term occupants. A conclusion that short-term occupants are likely to have less concern about maintaining of the amenity of the building than long-term occupants is a finding that can be reasonably made, in my opinion. That is not to say that all short-term occupants are likely to have less concern about maintaining the amenity of the building than long-term occupants but only that there is likely to be a greater proportion who use the building differently through their behaviour and activities in and around the building.

The greater frequency of short-term occupants in and out of the building is potentially disruptive for long-term occupants, particularly at times such as early in the morning or late at night. These movements may not create excessive noise but may occur at a time when long-term occupants reasonably expect not to be disturbed. These disturbances could relate to matters such as doors closing, noise from adjoining apartments and general conversation in common areas. While there may be measures, such as door closers to minimise potential noise impact, it would be unlikely that all sources of noise could be removed.

In general terms, long-term occupants would generally have a greater expectation and promote a more quiet and peaceful amenity than short-term occupants, and they would regard their apartment as a home compared to a temporary place to reside for short-term occupants. Long-term occupants are also likely to be less tolerant of disturbances and likely to be more concerned with activities that may potentially cause damage to the building, as they would have a greater feeling of ownership and ultimately be responsible through the Owners Corporation for repairs. While Mr Crane states that there is no evidence to support such a finding, I am satisfied that by simply adopting a common sense approach, the council's conclusion of incompatibility between the two uses can be supported.

For these reasons I find that there is a fundamental incompatibility between a mix of residential and serviced apartments that share the same floor and access points.

[2007] NSWLEC 382, 10576 of 2006⁴³ (18 June 2007) Jurisdiction Class 4

The Council filed and served a statement of issue...as required by the Court's direction. The statement identified the first issue, in part, as follows:

Issue 1 – Impact on Amenity of Residents

1. The proposed use would have unacceptable impacts on the amenity of permanent residents, especially in relation to security, potential noise and servicing of the serviced apartments.

The appeal commenced on the site, at which various residents gave evidence. The Council tendered notes of the residents' evidence. That evidence included submissions from: ...Mr Staveley, the national manager of the Tourism

Transport Forum who was concerned about the outcomes in terms of an “uncontrolled ...pattern of usage”.

All available evidence suggests that serviced apartments result in a loss of amenity for permanent residents....

In fact allowing “dual use” would combine the worst features of Strata Plan 61897’s operations as residential apartments and as serviced apartments. Both Strata Plan 61643 and Strata Plan 61897 residents would get an intensity of use comparable to a continuously occupied hotel, but without the high degree of management supervision and maintenance association with its former status as a hotel.

The applicant has not identified any error of law in the Commissioner’s decision. Accordingly, the appeal is dismissed.

[2008] NSWLEC97, 40389 of 2007⁴⁴ (04 December 2007) Jurisdiction Class 4

...The Council also seeks declarations that a development consent for use of the premises as “flats” does not permit or authorise the use of the premises for “serviced apartments”, “hotel” or the like...

4 The Council relied on the affidavit of Mr Moore, Planning Manager of the Council, sworn on 10 August 2007, which identifies the relevant planning instruments applying to the premises now, being the City of Sydney Local Environmental Plan 2005 (CSLEP 2005). Serviced apartments are a permissible use in the City Centre zone subject to obtaining development consent. He refers to the planning issues related to mixed use buildings which have both residential accommodation and serviced apartment uses. There are different impacts due to the short term use of serviced apartments because of the different living and activity patterns and behaviour of guests, greater maintenance required due to guests in serviced apartments and potential impacts on residential amenity.

21 The 1980 development consent should be construed on the basis that “residential flat building” excludes use for serviced apartments. North Sydney Municipal Council v Sydney Serviced Apartments Pty Ltd & Anor (1990) 21 NSWLR 532 (the Blues Point Tower case) and KJD York Management Services Pty Ltd v City of Sydney Council (2006) 148 LGERA 117 support this approach. This case has similar parameters to the decision of the Court of Appeal in Blues Point Tower. The case also falls within the use of a “residential flat building” as “serviced apartments” considered by Lloyd J in KJD.

28 The question before the Court now is whether the use of the rooms is for the purposes of “residential” accommodation or for some other purpose, namely short-term accommodation.

I do not therefore consider that the 1980 development consent authorised the use of the premises for serviced apartments. Further support for this approach is found in Derring Lane Pty Ltd v Port Phillip City Council (1999) 104 LGERA 92 relied on by the Council, in which Balmford J in the Victorian Supreme Court upheld a determination of the Victorian Planning Tribunal that a motel did not come with the meaning of a residential building. Referring to Wilcox J in Hafza v Director-General of Social Security (1985) ASSC 92-052 at 90,607 and Latham CJ in Commissioner of Taxation v Miller (1946) 73 CLR 93 at 99, his Honour held at 98:

On that basis, the phrase “residential building” must be taken to refer to a building constructed for the purpose of people dwelling there permanently or for a considerable period of time, or having in that building their settled or usual abode.

[2008] NSWLEC 97, 40389 of 2007⁴⁵ (05 March 2008) Jurisdiction Class 4

The Council also seeks declarations that a development consent for use of the premises as “flats” does not permit or authorise the use of the premises for “serviced apartments”, “hotel” or the like, and that the First Respondent, its servants or agents cease carrying out the use of the premises for “serviced apartments”, “hotel” or the like until such time as it has obtained development consent.

Where the word “domicile” is employed in the definition of an occupancy use, however termed, the popular and legal meaning of domicile “embod[ies] the idea which is expressed in English by the word ‘home’ ie permanent home”

The situation before me in this case is not distinguishable in any material way from the principles in Blues Point Tower as applied in KJD and I consider I should adopt that reasoning to the effect that “capable of use as a separate domicile” when used as a definition for a “flat” in a “residential flat building” requires that the flat also be used for habitation for a duration suggesting permanency rather than short term use suggested by serviced apartment use. I do not therefore consider that the 1980 development consent authorised the use of the premises for serviced apartments. Further support for this approach is found in Derring Lane Pty Ltd v Port Phillip City Council (1999) 104 LGERA 92 relied on by the Council, in which Balmford J in the Victorian Supreme Court upheld a determination of the Victorian Planning Tribunal that a motel did not come with the meaning of a residential building. Referring to Wilcox J in Hafza v Director-General of Social Security (1985) ASSC 92-052 at 90,607 and

Latham CJ in *Commissioner of Taxation v Miller* (1946) 73 CLR 93 at 99, his Honour held at 98:

On that basis, the phrase “residential building” must be taken to refer to a building constructed for the purpose of people dwelling there permanently or for a considerable period of time, or having in that building their settled or usual abode.

[2010] NSWLEC 181, 40515 of 2009⁴⁶ (30 September 2010) Jurisdiction Class 4

1. A declaration that the Respondent is carrying out development at the premises situated at and known as ‘Oaks Maestri Towers’, 298-304 Sussex Street, Sydney, NSW (‘the Premises’) for the purposes of a ‘serviced apartments’ (‘the said Purpose’) in contravention of the conditions of Development Consents D/97/00499F and D/98/00318H and in breach of s.76A(1) of the Environmental Planning and Assessment Act 1979 (‘the EPA Act’).

The following orders are sought:

2. An Order restraining the Respondent (by itself or through a related entity or agent) from using or permitting the use of the Premises for the said Purpose until development consent for such use is granted pursuant to the EPA Act and such consent is in force.
3. An order restraining the Respondent (by itself or through a related entity or agent):
 - (a) from advertising or holding out the Premises or any part of them as available for the said Purpose; and
 - (b) from leasing or licensing the Premises or any part of them for the said Purpose without first obtaining a development consent specifically authorising the said Purpose.
4. An order that the Respondent pay the Applicant’s costs of these proceedings; and
5. Such further or other orders as this Honourable court deems fit.”

30 LEP 2005 (Exhibit C3, tab 1, at pp47-48) includes the following definitions:

“**Residential accommodation** in Central Sydney means a building or part of a building that provides permanent or long term accommodation, and includes residential flat buildings, dwellings, boarding houses, hostels, student accommodation and the like.

Serviced apartment in Central Sydney is a form of tourist and visitor accommodation and means a building or part of a building that provides self-contained accommodation which is serviced or cleaned by the owner or manager of the apartments or the owner’s or manager’s agents.”

31 LEP 1996 includes the following definitions (Exhibit C3, tab 2, at p107-108):

“**Residential building** means a building which contains one or more dwellings, and in which the residential component is owner-occupied or occupied by a tenant with a residential tenancy agreement within the meaning of the Residential Tenancies Act 1987.

Serviced apartments means a building containing two or more self-contained dwellings:

- (a) which are used to provide short-term accommodation, but not subject to residential tenancy agreements within the meaning of the Residential Tenancies Act 1987, and
- (b) which are serviced or cleaned by the owner or manager of the apartments or the owner’s or manager’s agents.”

36 The 24 designated serviced apartments were not affected by the October 2001 approval. The most relevant condition of that amended approval is condition 47 (fol 177), in the following terms:

47 The following restrictions apply to that part of the building approved for residential use:

- (a) The residential apartments on levels 1-27 must be used as a permanent residential building only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Central Sydney Local Environmental Plan 1996. (Amended 5 September 2000)
- (b) A restrictive covenant is to be created pursuant to Section 88E of the Conveyancing Act, 1919, restricting any change of use of the land from a ‘residential building’ as defined in the Central Sydney Local Environmental Plan 1996. The covenant is to be executed prior to building approval under section 68 of the Local Government Act 1993 for the construction of the development, to the satisfaction of Council. All costs of the preparation and registration of all associated documentation is to be borne by the applicant.

(c) All units approved in the residential building must be either owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy (sic) Act 1987. A certificate signed by the owner or the body corporate (if the development is strata subdivided) or a solicitor (holding a current certificate to practice), must be forwarded to Council within 12 months of the completion of the development, and every 12 months thereafter, certifying that all units approved in the residential buildings are either owner occupied or are subject to residential leases under the Residential Tenancy (sic) Act 1987.”

39 The Council has never granted any development consent for serviced apartments in the Kent Street tower, and relies on the conditions of the consent D/98/00318 H (Exhibit C3, tab 8, and Annexure ‘C’ to McNamara – approved on 11 April 2002, with the plans stamped on the same date).

As the applicant for consent in the DA the subject of the class 1 appeal (see Exhibit R1), announced itself as **manager** of the serviced apartments...(in its Statement of Environmental Effects at cl 4.2). The way it deals with the units in its care (offering apartments for short term lettings, setting tariffs, taking bookings, maximising income, informing short-term occupants in detail, organising servicing, etc) is clearly to “use” them as serviced apartments, in many cases beyond the conditions of consent.

[2011] NSWLEC 235, 40515 of 2009⁴⁷ (07 December 2011) Jurisdiction Class 4

...Council challenged the respondent company in separate but similar proceedings over the alleged unauthorised use by the company of residential units it does not own as serviced apartments. The company essentially argues that the use is carried out by the owners and merely facilitated by (the company).

I concluded in both cases that the company was, in fact, using various units in the respective residential unit blocks as serviced apartments without relevant consent...

The Respondent (by itself or its agent) is restrained...from using the premises situated at and known as... ('the Premises') for the purposes of 'serviced apartments' ('the said Purpose') unless and until development consent for such use is granted pursuant to the EPA Act and such consent is in force.

2. The Respondent (by itself or its agent) is restrained forthwith from:

- a. advertising or holding out the Premises or any part of them as available for the said Purpose; and
- b. leasing or licensing the Premises or any part of them for the said Purpose

unless and until development consent for such use is granted pursuant to the EPA Act and such consent is in force.

LOOPHOLE in Draft Proposals – no legal definition of a ‘permanent place of residence’ is provided. Nor is it shown how such a criteria can be verified and controlled.

Division 1 Short-term rental accommodation—exempt development

And

Division 2 Short-term rental accommodation—complying development

In calculating the number of days a dwelling is used for non-hosted short-term rental accommodation for the purposes of subclause (1)(b), any period of 21 consecutive days or more for which non-hosted short-term rental accommodation is provided to the same person or persons is not to be counted.

A Very Small Sample of NSW Airbnb (and other) Landlords with Multiple Listings:

Bedroom Villas has 75,146 NSW listings⁴⁸

Aura has 4,423 NSW listings⁴⁹

Tim C claims to have over 500 NSW listings⁵⁰

HRA has 332 Airbnb listings⁵¹

Sabrina has 254 Airbnb listings⁵²

Keris has 159 Airbnb listings⁵³

A Perfect Stay has 141 listings⁵⁴

Aaron has 126 Airbnb listings⁵⁵

Rowen has 123 Airbnb listings⁵⁶

Danny has 121 Airbnb listings⁵⁷

Joel has 116 Airbnb listings⁵⁸

Hotelsque has 108 Airbnb listings⁵⁹

Pacific Coast has 106 Airbnb listings⁶⁰

Jared has 97 Airbnb listings⁶¹

Aymeric has 60 Airbnb listings⁶²

Terry has 55 Airbnb listings⁶³

Cedric has 43 Airbnb listings⁶⁴

Johannes has 43 Airbnb listings⁶⁵

Gabriel has 41 Airbnb listings⁶⁶

Rachel has 41 Airbnb listings⁶⁷

Tracey has 38 Airbnb listings⁶⁸

Inna has 38 Airbnb listings⁶⁹

Natasha has 36 Airbnb listings⁷⁰

Leon has 35 Airbnb listings⁷¹

Awaba has 33 Airbnb listings⁷²

Kimi has 33 Airbnb listings⁷³, plus many, many, many more...

⁴⁸ <https://www.bedroomvillas.com/listing?q=New%20South%20Wales,%20Australia&ref=home>

⁴⁹ <https://aura.travel/accommodation/nsw?view=map>

⁵⁰ <https://www.astra.asn.au/astra-board/>

⁵¹ <https://www.airbnb.com.au/users/9855607/listings>

⁵² https://www.airbnb.com.au/users/show/36410227?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵³ https://www.airbnb.com.au/users/show/15739069?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵⁴ <https://www.airbnb.com.au/users/show/1649158>

⁵⁵ https://www.airbnb.com.au/users/show/181698992?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵⁶ https://www.airbnb.com.au/users/show/15469257?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵⁷ https://www.airbnb.com.au/users/show/15193662?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵⁸ https://www.airbnb.com.au/users/show/21058208?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁵⁹ <https://www.airbnb.com.au/users/2450066/listings>

⁶⁰ <https://www.airbnb.com.au/users/show/89047254>

⁶¹ https://www.airbnb.com.au/users/show/8530753?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶² https://www.airbnb.com.au/users/show/103385102?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶³ https://www.airbnb.com.au/users/show/3046924?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶⁴ https://www.airbnb.com.au/users/show/21385139?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶⁵ https://www.airbnb.com.au/users/show/117548275?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶⁶ https://www.airbnb.com.au/users/show/101139031?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶⁷ https://www.airbnb.com.au/users/show/148607219?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁶⁸ <https://www.airbnb.com.au/users/show/16026854>

⁶⁹ https://www.airbnb.com.au/users/show/70570922?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁷⁰ https://www.airbnb.com.au/users/show/225489194?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁷¹ https://www.airbnb.com.au/users/show/91587706?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁷² https://www.airbnb.com.au/users/show/4298915?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

⁷³ https://www.airbnb.com.au/users/show/91961414?_set_bev_on_new_domain=1423853016_Tzi0vmEzT4gsJ5PF

Amendments to Current Environmental Planning Instruments Now Required

The following NSW Local Government Authorities have previously, despite clear specifications as set out in the National Construction Codes⁷⁴ and without financial compensation to residents, amended environmental planning instruments so as to circumvent legislation. Thus the following amendments to environmental planning instruments are now required:

- 1.1 Bega Valley Local Environmental Plan 2013 Clause 6.11 Short-term rental accommodation
Omit the clause.
- 1.2 Blue Mountains Local Environmental Plan 2015 Clause 6.29 Short-term rental accommodation
Omit the clause.
- 1.3 Eurobodalla Local Environmental Plan 2012 Clause 6.15 Short-term rental accommodation
Omit the clause.
- 1.4 Gosford Local Environmental Plan 2014
 - [1] Clause 7.6 Short-term rental accommodation
Omit the clause.
 - [2] Schedule 2 Exempt development
Omit the matter relating to short-term rental accommodation.
 - [3] Dictionary
Omit the definition of *short-term rental accommodation*.
- 1.5 Kiama Local Environmental Plan 2011
Clause 6.10 Short-term rental accommodation
Omit the clause.
- 1.6 Palerang Local Environmental Plan 2014 Clause 6.12 Short-term rental accommodation
Omit the clause.
- 1.7 Pittwater Local Environmental Plan 2014 Schedule 2 Exempt development
Omit the matter relating to short-term holiday rental accommodation.
- 1.8 Port Stephens Local Environmental Plan 2013 Clause 7.18 Short-term rental accommodation
Omit the clause.
- 1.9 Queanbeyan Local Environmental Plan 1998 Schedule 1 Dictionary
Insert “, but does not include an establishment providing short-term rental accommodation within the meaning of *State Environmental Planning Policy (Short-term Rental Accommodation) 2019*” after “souvenir shops” in the definition of *tourist facilities*.
- 1.10 Shoalhaven Local Environmental Plan 1985 Clause 20BB Short-term accommodation
Omit the clause.
- 1.11 Shoalhaven Local Environmental Plan 2014 Clause 7.13 Short-term rental accommodation
Omit the clause.
- 1.12 Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 Clause 6.4 Short-term rental accommodation
Omit the clause.
- 1.13 State Environmental Planning Policy (Gosford City Centre) 2018
 - [1] Clause 7.4 Short-term rental accommodation
Omit the clause.
 - [2] Schedule 2 Exempt development
Omit the matter relating to short-term rental accommodation.
 - [3] Dictionary
Omit the definition of *short-term rental accommodation*.
- 1.14 Wingecarribee Local Environmental Plan 2010
Clause 7.11 Short-term rental accommodation
Omit the clause.
- 1.15 Wyong Local Environmental Plan 2013
 - [1] Clause 7.18 Short-term rental accommodation
Omit the clause.
 - [2] Schedule 2 Exempt development
Omit the matter relating to short-term rental accommodation.
 - [3] Dictionary
Omit the definition of *short-term rental accommodation*.

⁷⁴ <https://www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/National-Construction-Code>

DRAFT CODE OF CONDUCT FOR THE SHORT-TERM RENTAL ACCOMMODATION

Nuisance occurs when someone substantially and unreasonably interferes with, or disturbs someone else's ordinary and reasonable use of the land they own or occupy⁷⁵. The interference occurs without direct entry onto the affected person's land⁷⁶. In NSW, private nuisance laws are generally derived from case law (the common law), rather than statutes and legislation. In terms of case law, the following examples are provided:

"The adverse impact on the amenity and wellbeing of the (neighbouring family) has been, as the evidence overwhelmingly demonstrates, severe."

Justice J Pepper [2013] NSWLEC61

THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

Can any measures be taken to address amenity impacts?⁷⁷

33 *Renaldo Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315 identified a number of questions relevant to the appropriateness of use of a management plan as part of the measures to mitigate the impacts of a development. Those questions involved considering the consistency of the management plan with consent conditions, whether the management plan required people to act in an unlikely or unreasonable manner, the clarity of the requirements of the management plan to enable ready enforcement in the event of breach, whether the management plan was sufficiently effective to enable adequate operation even absent absolute compliance, effective communication of the management plan to employees and others engaged on site, effective complaint management procedures and procedures for the management plan to be updated and amended as required (including making those changes public).

34 The questions of whether the management plan was sufficiently effective to enable adequate operation even absent absolute compliance and whether communication of the management plan to employees and others engaged on the site are particularly relevant in this case. On the first question, I am not satisfied that a management plan can deal with spontaneous events of noise that may disturb the existing residents. Again, the noise events may not necessarily relate to unacceptable behaviour but to the normal comings and goings of short-term tenants. The existence of full-time staff is a positive aspect of the proposed development and would be effective in managing most situations around the foyer area however it could not be reasonably expected that staff would be in a position to address spontaneous events of noise elsewhere in the building.

35 On the second question, I am unsure how short-term occupants can be bound by the contents of the management plan. Even if the contents of the management plan are explained to each short-term occupant (and this has problems in itself) there is no obligation to comply with the requirements in the same way as if the management plan applied to employees or other persons associated with the holder of the consent. Enforcement of the contents of the management plan would be virtually impossible for short-term occupants and as such it has minimal effectiveness to address any amenity impacts.

36 For the reasons in the preceding paragraphs I do not accept that a management plan will provide an effective means of addressing potential amenity impacts that may occur on the site.

The zone objectives

37 Clause 33 states that before consenting to development, a consent authority must have regard to the objectives of the zone. In accepting that the proposed development is consistent with objectives (a), (b), (c) and part (d), I am not satisfied that the proposed development adequately addresses part objective (d) in that appropriate amenity cannot be provided with a mix of residential and serviced apartments that share the same floor and access points. Consequently, I find the proposed development is unacceptable and the appeal should be dismissed.

Precedent

38 Precedent is a valid planning consideration (*Goldin & Anor v Minister for Transport Administering the Ports Corporatisation and Waterways Management Act 1995* [2002] NSWLEC 75) although I am not satisfied that the particular characteristics of this proposal, including the layout of the apartments and the separate strata plans, would likely be that similar to other applications that any reasonable comparisons could be drawn. The issue is essentially redundant following the findings in the preceding paragraphs however taken in isolation; precedent is not an issue that would support the refusal of the application.

G T Brown

Commissioner of the Court

⁷⁵ *Grand Central Car Park Pty Ltd v Tivoli Freeholders* [1969] VR 62 at 72 per McInerney J (public nuisance); *Sedleigh-Denfield v O'Callaghan* [1940] AC 880 at 896-7 per Lord Atkin.

⁷⁶ The appropriate remedy for direct interference with the use and enjoyment of land owned or occupied by someone (ie when entry onto the land is involved) is trespass.

⁷⁷ <https://www.caselaw.nsw.gov.au/decision/549f99013004262463b0cb15>

The Draft Code of Conduct for the Short-term Rental Accommodation Industry is unenforceable and provides no relief to neighbouring residents in R2 residential zones or those in residential flat dwellings. It also provides no relief to accredited accommodation providers who are subject to strict operating regulations and who presently are competing with thousands of illegal STHL operators.

For neighbouring residents who are attempting to present a case of nuisance, the use of video or still cameras to record evidence would not be acceptable, as the recording of any anti-social activity would usually mean offenders would be recorded when they are within a private area, over which they have been granted a *license to occupy*.

The case of *Dobrohotoff v Bennic*⁷⁸, by virtue of a civil injunction, lead to the enforcement of regulations only, and not proof of anti-social behaviour.

It would appear that, again, no legal advice has been sought during the drafting of this Code of Conduct.

Schedule 1 Amendment of Fair Trading Regulations 2012:-

“5.2 Booking platforms

A booking platform must inform an industry participant using the booking platform’s online booking service for short-term rental accommodation of the following matters before the participant enters into a short-term rental accommodation arrangement:

- 2.2.1 (a) this code
- (b) the booking platform’s obligation to comply with this code”

“5.2.7 A booking platform must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement that is entered into using its online booking service. The record must be:

- (a) kept for 5 years after the end of the occupancy period
- (b) in a readily producible form.

“6.1.8 The Commissioner may dismiss a complaint if satisfied:

- (a) the complaint is frivolous, vexatious, trivial, misconceived or without substance,
- (b) the complaint has been previously determined under this code.”

Dispute resolution

Any collection of evidence – recorded or otherwise – may be challenged in accordance with case law precedent. Where case law precedent was taken into account, all such action will fail. (*Raciti v Hughes*⁷⁹)

Anecdotal evidence shows that the NSW Consumer and Administrative Tribunal regularly dismisses complaints relating to STHLs and other issues; respondents simply need put to the Tribunal a claim of ‘*vexatious applicant*’.

Obligations to neighbours

The NSW Government’s endorsed Code of Conduct has been in place since 2012⁸⁰. This Code, with Minister Brad Hazzard’s backing (12/04604), has failed, as evidenced by a complete lack of successful action over the past seven years.

Destination NSW has a Code of Conduct and Ethics⁸¹. Despite this: Destination NSW does not carry out regulatory functions, therefore any questions in regards to compliance with legislation, regulations and other activities provided by its contractors fall outside the State Government’s remit, according to Sandra Chipchase, Destination NSW CEO (DV19/9, D19/390).

The State Opposition Leader, Jodi McKay, has her short-term rental property listed on 75+ different platforms, with her booking agents located in countries including, but not limited to, Armenia, Bolivia, Guatemala, Honduras, El Salvador, Egypt, Russia, Spain, France, Hong Kong, Bahrain, Kuwait, Saudi Arabia, Turkey etc... Former State LNP MPs had their short-term rental properties listed on more than 155 platforms.

⁷⁸ <https://www.caselaw.nsw.gov.au/decision/54a6399b3004de94513da983>

⁷⁹ <http://www.austlii.edu.au/au/journals/PrivLawPRpr/1996/8.html>

⁸⁰ <https://www.ignsw.org.au/files/imce-uploads/48/2%20Justin%20Butterworth.pdf>

⁸¹ <https://www.destinationnsw.com.au/code-of-conduct-and-ethics-for-contractors-and-consultants>

Airbnb alone has portals in all countries, except North Korea, Syria and Iran. The proposition that booking platforms must ensure that a copy of this draft code is readily available on its website and provided to and read by clients is unrealistic and unenforceable.

It is not possible to verify which platform has facilitated the booking of a residential property, nor can one guarantee the identity of the landlord or client. Were hypothetically the Hon Jodi McKay MP or our Deputy Premier John Barilaro to find themselves banned, they could simply relist their properties under another identity, or relist their premises under a different name/description and use new photographs to market the dwellings.

Identification of platform users

Airbnb's Terms of Service⁸² clearly state:

"Airbnb does not endorse any Member, Listing or Host Services. Any references to a Member being "verified" (or similar language) only indicate that the Member has completed a relevant verification or identification process and nothing else. Any such description is not an endorsement, certification or guarantee by Airbnb about any Member, including of the Member's identity or background or whether the Member is trustworthy, safe or suitable."

"User verification on the Internet is difficult and we do not assume any responsibility for the confirmation of any Member's identity. Notwithstanding the above, for transparency and fraud prevention purposes, and as permitted by applicable laws, we may, but have no obligation to (i) ask Members to provide a form of government identification or other information or undertake additional checks designed to help verify the identities or backgrounds of Members, (ii) screen Members against third party databases or other sources and request reports from service providers, and (iii) where we have sufficient information to identify a Member, obtain reports from public records of criminal convictions or sex offender registrations or an equivalent version of background or registered sex offender checks in your local jurisdiction (if available)."

Multiple newspaper reports indicate that convicted child sex offenders and other known criminals use Airbnb platforms on a regular basis. In the last week, New Zealand Police advise that "criminals are using Airbnb...to establish massive drug trafficking rackets⁸³". NZ Lawyers are also warning about the dangers of places listed on accommodation websites after Airbnb was named in a report on a meth haul worth \$235 million last Friday.⁸⁴

The DPIE's Draft Code of Conduct will be unworkable and unenforceable.

⁸² <https://www.airbnb.com.au/terms>

⁸³ https://www.stuff.co.nz/national/crime/115602091/240m-drug-bust-airbnb-storage-units-used-by-international-crims?fbclid=IwAR34iU2w0oN_ycNhRsfQg4D0NVk8breQe-czHB4luFW67uuRb7pw-Rq4_9E

⁸⁴ https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=12266011&fbclid=IwAR1hj2scybiyM0Af5dXM4p8EG3Z8Z5m0HiA1YbUiAAPqmDpOo_zKePf8ZWU

INSIDE AIRBNB – www.insideairbnb.com

As at 25 August 2019, statistics for Airbnb alone are now available, thanks to Murray Cox from Inside Airbnb:

The Hon Rob Stokes and the DPIE must acknowledge from the outset that the only Organisation that makes the pretext of 'home sharing' is Airbnb. Expedia/Stayz, Booking.com, Wotif, LastMinute, Agoda, HomeAway, VRBO etc see whole homes removed from the residential housing market.

Airbnb landlords will list an 'Entire Home/Apartment' and at the same time list one or multiple 'Private Room/s' within the same property. This effectively makes the 'Entire Home/Apartment' numbers appear less of an issue and promotes the false mantra of 'home sharing'. Without a State Government Administered registration scheme there is no effective way of calculating the total amount of homes lost. There are now 68,477 Airbnb listings, up from 29,657 listings in December 2016:

- Entire Home/Apart - 48,347
- Private Rooms - 19,264
- Shared Rooms - 866

Following are the 30 top LGAs showing homes lost to Airbnb landlords – single/multiple listings

SUM of Listings	Entire home/apt Multi listing	Entire home/apt Single listing	Entire home/apt Total	Private room Multi listing	Private room Single listing	Private room Total	Shared room Single listing	Shared room Total	Grand Total
LGA									
Sydney	3,367	3,100	6,467	2,203	1,151	3,354	318	318	10,139
Waverley	2,657	892	3,549	1,501	384	1,885	139	139	5,573
Randwick	1,457	493	1,950	1,020	420	1,440	72	72	3,462
Byron	1,241	1,331	2,572	361	364	725	9	9	3,306
Shoalhaven	1,185	1,808	2,993	135	129	264	2	2	3,259
Manly	1,056	351	1,407	354	133	487	9	9	1,903
Warringah	1,192	210	1,402	400	79	479	5	5	1,886
Gosford	805	833	1,638	113	70	183	1	1	1,822
Woollahra	786	319	1,105	419	108	527	13	13	1,645
North Sydney	656	346	1,002	315	112	427	13	13	1,442
Port Stephens	260	1,028	1,288	40	48	88			1,376
Marrickville	510	170	680	481	159	640	15	15	1,335
Blue Mountains	508	496	1,004	107	126	233	3	3	1,240
Tweed	522	481	1,003	141	78	219			1,222
Pittwater	729	369	1,098	80	38	118	1	1	1,217
Leichhardt	499	189	688	222	102	324	4	4	1,016
Newcastle	428	335	763	140	95	235	4	4	1,002
Coffs Harbour	399	396	795	106	85	191	1	1	987
Great Lakes	329	562	891	45	31	76	1	1	968
Snowy River	250	612	862	29	71	100	4	4	966
Rockdale	197	138	335	319	129	448	24	24	807
Bega Valley	263	407	670	40	41	81	4	4	755
Eurobodalla	396	262	658	39	33	72	1	1	731
Cessnock	213	395	608	39	83	122			730
Wollongong	396	118	514	97	100	197	7	7	718
Wyong	287	262	549	49	56	105	4	4	658
Botany Bay	158	105	263	217	147	364	13	13	640
Ryde	171	125	296	200	127	327	16	16	639
Pt Macquarie-Hastings	266	258	524	61	39	100	1	1	625
Wingecarribee	288	242	530	54	39	93	1	1	624
Ballina	293	234	527	56	32	88			615
Parramatta	122	118	240	199	140	339	17	17	596

Inside Airbnb – Percentage Increases for Airbnb by NSW LGA 2016 to 2019

<i>SUM of Listings</i>	<i>Date</i>	<i>Date</i>	<i>%</i>
<i>NSW LGA</i>	<i>10/12/16</i>	<i>25/08/19</i>	<i>Increase</i>
Albury	52	198	372%
Armidale Dumaresq	31	136	339%
Ashfield	141	312	121%
Auburn	114	576	405%
Ballina	193	615	219%
Balranald	2	2	0%
Bankstown	68	282	315%
Bathurst Regional	56	334	496%
Bega Valley	225	755	236%
Bellingen	78	231	196%
Berrigan	5	31	520%
Blacktown	107	305	185%
Bland	3	7	133%
Blayney	13	53	308%
Blue Mountains	358	1,240	246%
Bogan	0	4	400%
Bombala	6	9	50%
Boorowa	2	11	450%
Botany Bay	228	640	181%
Bourke	1	5	400%
Broken Hill	32	43	34%
Burwood	90	266	196%
Byron	1,172	3,306	182%
Cabonne	13	87	569%
Camden	11	51	364%
Campbelltown	29	117	303%
Canada Bay	276	516	87%
Canterbury	128	360	181%
Carrathool	6	10	67%
Central Darling	2	6	200%
Cessnock	119	730	513%
Clarence Valley	108	580	437%
Cobar	0	1	100%
Coffs Harbour	179	987	451%
Conargo	1	4	300%
Coolamon	0	7	200%
Cooma-Monaro	14	51	264%
Coonamble	0	8	400%
Cootamundra	3	9	200%
Corowa Shire	16	126	688%
Cowra	1	15	1400%
Deniliquin	2	7	250%
Dubbo	19	123	547%
Dungog	20	92	360%
Eurobodalla	184	731	297%
Fairfield	19	90	374%
Forbes	6	43	617%
Gilgandra	0	2	400%

<i>SUM of Listings</i>	<i>Date</i>	<i>Date</i>	<i>%</i>
<i>NSW LGA</i>	<i>10/12/16</i>	<i>25/08/19</i>	<i>Increase</i>
Glen Innes Severn	10	36	260%
Gloucester	16	31	94%
Gosford	319	1,822	471%
Goulburn Mulwaree	14	110	686%
Great Lakes	122	968	693%
Greater Hume Shire	9	21	133%
Greater Taree	55	243	342%
Griffith	2	22	1000%
Gundagai	9	27	200%
Gunnedah	8	21	163%
Guyra	2	15	650%
Gwydir	2	2	0%
Harden	3	16	433%
Hawkesbury	62	228	268%
Hay	1	10	900%
Holroyd	62	128	106%
Hornsby	225	421	87%
Hunters Hill	51	69	35%
Hurstville	85	233	174%
Inverell	4	18	350%
Jerilderie	0	3	200%
Junee	1	3	200%
Kempsey	54	411	661%
Kiama	72	556	672%
Kogarah	110	192	75%
Ku-ring-gai	205	332	62%
Kyogle	14	47	236%
Lachlan	0	8	500%
Lake Macquarie	100	500	400%
Lane Cove	211	322	53%
Leeton	0	3	200%
Leichhardt	695	1,016	46%
Lismore	77	218	183%
Lithgow	44	138	214%
Liverpool	50	163	226%
Liverpool Plains	4	15	275%
Lockhart	2	1	-50%
Maitland	13	99	662%
Manly	1,347	903	-33%
Marrickville	875	1,335	53%
Mid-Western Regional	92	316	243%
Moree Plains	0	7	700%
Mosman	381	538	41%
Murray	11	52	373%
Murrumbidgee	1	6	500%
Muswellbrook	5	13	160%
Nambucca	50	200	300%
Narrabri	10	13	30%

Inside Airbnb – Percentage Increases by NSW LGA 2016-2019 continued

<i>SUM of Listings</i>	<i>Date</i>	<i>Date</i>	<i>%</i>
<i>NSW LGA</i>	<i>10/12/16</i>	<i>20/12/18</i>	<i>Increase</i>
Narrandera	0	14	700%
Narromine	0	6	200%
Newcastle	150	1002	568%
North Sydney	1,036	1,442	39%
Oberon	12	59	392%
Orange	62	268	332%
Palerang	14	65	364%
Parkes	6	55	817%
Parramatta	191	596	212%
Penrith	58	154	166%
Pittwater	815	1,217	49%
Port Macquarie-Hastings	148	625	322%
Port Stephens	115	1,376	1097%
Queanbeyan	17	59	247%
Randwick	2,345	3,462	48%
Richmond Valley	5	28	460%
Rockdale	356	807	127%
Ryde	269	639	138%
Shellharbour	13	131	908%
Shoalhaven	483	3,259	575%
Singleton	47	208	343%
Snowy River	115	966	740%
Strathfield	74	187	153%
Sutherland Shire	298	538	81%
Sydney	5,497	10,139	84%
Tamworth Regional	68	262	285%
Temora	3	21	600%
Tenterfield	10	49	390%

<i>SUM of Listings</i>	<i>Date</i>	<i>Date</i>	<i>%</i>
<i>NSW LGA</i>	<i>10/12/16</i>	<i>20/12/18</i>	<i>Increase</i>
The Hills Shire	141	322	128%
Tumbarumba	1	23	2200%
Tumut Shire	9	64	611%
Tweed	289	122	-58%
Unincorporated NSW	1	5	400%
Upper Hunter Shire	12	49	308%
Upper Lachlan Shire	15	31	107%
Uralla	11	22	100%
Wagga Wagga	26	223	758%
Wakool	3	14	367%
Walcha	3	6	100%
Walgett	2	12	500%
Warren	0	1	200%
Warrangah	1,157	1,886	63%
Warrumbungle Shire	11	25	127%
Waverley	4,043	5,573	38%
Weddin	2	8	300%
Wellington	4	5	25%
Wentworth	15	18	20%
Willoughby	311	582	87%
Wingecarribee	134	624	366%
Wollondilly	15	53	253%
Wollongong	159	718	352%
Woollahra	1,319	1,645	25%
Wyong	123	658	435%
Yass Valley	23	63	174%
Young	4	21	425%
Grand Total	29,657	68,477	

INFLUENTIAL 'FRIENDS' of STHL OPERATORS

We put to the Minister for Planning and Public Spaces and the DPIE that 'friends', particularly those of Airbnb's Brent Thomas and lobbyists for Expedia/Stayz, are a 'significant political asset'⁸⁵ and that the 'cultivation' of these assets is one way in which Airbnb, Expedia/Stayz and others seek to secure their financial objectives, no matter the costs to residents and accredited accommodation providers.

Residents who have to date been excluded from the State Government's consultation process, who have seen their submissions to Parliament marked "confidential", have been denied meetings with Ministers and excluded from the Government's 'working party', have repeatedly asked how one might believe that this issue will be dealt with in a fair and proper manner and in line with Land and Environment Court case law precedent.

The 'doctrine of precedent' is the rule that a legal principle has been established by a superior court and should be followed in other similar cases by that court and other courts.

A precedent is 'binding' if the precedent was made by a superior court that is higher in the hierarchy of courts. A binding precedent must be followed if the precedent is relevant and the circumstances of the cases are sufficiently similar.

Following are examples of those who are known to profit directly or have previously profited from STHLs, plus those lobbying for major amendments to NSW Planning instruments:

John Alexander OAM, MP – Iona Park

The Hon (John) Giovanni Barilaro MP – Dungowan Estate

Ms Jodi McKay MPA(Syd), MP – Kia Ora Lookout Retreat

The Hon Bob Carr, former NSW Premier and NSW Senator – Airbnb spokesperson

John Williams OAM*, former Member for Murray Darling, Land and Environment Court Orders

Thomas George, former Member for Lismore, Land and Environment Court Orders**

Kevin Humphries, former Member for Barwon, Land and Environment Court Orders**

* Referred by Legal Counsel Premier and Cabinet to the ICAC

** Referred by Legal Counsel, Premier and Cabinet to the ICAC and went on to vote on legislation without declaring any possible conflict of interest

BARTON DEAKIN - Lobbyists for Expedia/Stayz (former Ministers and Members of Parliament):

The Hon Peter Collins AM, former Leader of NSW Liberal Party, Founder of Barton Deakin

Andrew Humpherson, former CoS to Minister in O'Farrell/Baird Government, CEO/MD Barton Deakin

Grahame Morris MP, former Liberal Party Deputy Federal Director, Chairman and Federal Director Barton Deakin

Matthew Hingerty, Ministerial Chief of Staff and adviser to Barry O'Farrell, Joe Hockey, Peter Collins, John Fahey and several ministers throughout the Greiner-Fahey Governments Director, Barton Deakin

Anthony Benscher, for John Howard communications adviser, Ministerial Chief of Staff in the O'Farrell Government, Managing Director (NSW) Barton Deakin

David Alexander, senior adviser to Peter Costello during his time as Treasurer, Managing Director (Federal) Barton Deakin

The Hon Katrina Hodgkinson, former Minister NSW National Party, Director Barton Deakin

RICHARDSON COUTTS PTY Limited and STATECRAFT PTY LTD - Lobbyists for Airbnb

AIRBNB STAFF:-

JULIAN CROWLEY – Policy & Corporate Communications – News Lead, APAC (formerly)

Senior Adviser to NSW Minister for Ageing, Disability Services and Multiculturalism, John Ajaka MLC, 01/16-12/16

Adviser to NSW Attorney General, Gabrielle Upton - Liberal (now Minister for Local Government), 04/15 – 01/16

Adviser to Minister for Family and Community Services, 04/14 – 04/15

Adviser to Minister for Sport and Recreation NSW Government, 02/13 – 04/14

HUW PHILLIPS - Public Policy Strategist (formerly)

Councillor Support Officer (Linda Scott - Labor, President Local Government NSW), City of Sydney, 10/12 – 04/16

Assistant Secretary, NSW Young Labor, Australian Labor Party (NSW Branch), 2012-2014

⁸⁵ 03-09-2019 Operation Aero transcript pp. 00509-00562 from 10.00am to 1.02pm.pdf

BRENT THOMAS – Director of Public Policy, Asia Pacific, B Laws and Grad. Cert. Legal Practice, (formerly) Ministerial Chief of Staff (Carl Scully - Labor), NSW Government, Feb 2001 – Jun 2006
Councillor, Hurstville Council

The Hon Jennifer Aitchison MP, Shadow Minister for Tourism, formerly Shadow Minister for Small Business made special mention of **Brent Thomas**, **Kaila Murnain**⁸⁶, **Ernest Wong** and **Jamie Clements**⁸⁷ in her inaugural speech to the NSW Parliament⁸⁸. Despite several requests to discuss the impacts of STHLs on NSW accredited accommodation providers, Jennifer Aitchison has not been available.

Other ‘Friends’⁸⁹ of Brent Thomas include, but are not limited to:

- **Matthew Kean MP and Minister**
- **Alison McLaren, A/Executive Director Office of the Group Deputy Secretary, Housing and Property (formerly Director Local Planning Policy), NSW Dept Planning, Industry and Environment,**
- **Kenrick Cheah (ICAC witness⁹⁰),**
- **Ernst Wong MP (ICAC witness⁹¹)**
- **Sam Dastyari (ICAC witness⁹²)**
- **Jamie Clements (noted in ICAC transcripts⁹³)**
- **Michael Daley MP**
- **Penny Sharpe MP**
- **Edmond Atalla MP**
- **Walt Secord MP**
- **Daniel Mookhey MP⁹⁴**
- **Paul Scully MP**
- **Ryan Park MP**
- **Peter Primrose MP**
- **Adam Searle MLC**
- **David Campbell, former State MP and Minister, former Mayor of Wollongong**
- **Joel Fitzgibbon MP**
- **Matt Thistlethwaite MP**
- **Jim Chalmers MP**
- **Ed Husic MP**
- **Susan Templeman MP**
- **Stephen Jones MP**
- **Senator Tim Ayres**
- **Senator Jenny McAllister**
- **Daniel Walton, National Secretary The Australian Workers Union**
- **Paul Howes, former National Secretary of Australian Workers’ Union, Partner KPMG**
- **The Hon Dr Craig Emerson MP, former Federal MP and Minister**
- **Rob Oakeshott, former Federal MP**
- **Simon Crean, former Federal MP and Trade Unionist**
- **Geoff Derrick, National Campaign Coordinator, ACTU**
- **Glenda Gartrell, former ministerial advisor for State Government Ministers & Premier**
- **Geoff Gallop AC, former WA Premier**
- **Ben Keneally, husband of Senator Kristina Keneally**
- **Mark Lennon , former President ALP (NSW Branch), former Secretary Unions NSW**
- **Patrick Garcia, Assistant General Secretary ALP (NSW Branch)**
- **Verity Firth, former MP for Balmain**
- **Michael Gleeson, Former Director Hawker Britton (Labor branch of Barton Deakin, lobbyists for Expedia/Stayz) Senior Consultant Australian Public Affairs**
- **Chris Gambian, Labor candidate for Federal seat of Banks, CE Nature Conservation Council NSW**
- **Alex Cramb, Government Relations Australia**
- **Marianne Saliba, Shellharbour Mayor**
- **Joe Awada, Deputy Mayor Bayside Council**

⁸⁶ <https://www.icac.nsw.gov.au/investigations/current-investigations/2019/political-donations-operation-aero/political-donations-allegations-concerning-alp-nsw-branch-officials-chinese-friends-of-labor-and-others-operation-aero>

⁸⁷ <https://www.smh.com.au/national/nsw/cash-deliveries-and-suicide-notes-icac-hearing-opens-with-sensational-claims-20190826-p52krs.html>

⁸⁸ <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-59342/link/120>

⁸⁹ https://www.facebook.com/brent.thomas.1865/friends?lst=100012545103318%3A100003144743030%3A1567477066&source_ref=pb_friendtl

⁹⁰ 30-08-2019 Operation Aero transcript pp. 00341-00391 from 10.00am to 11.57am.pdf

⁹¹ 30-08-2019 Operation Aero transcript pp. 00341-00391 from 10.00am to 11.57am.pdf

⁹² 29-08-2019 Operation Aero transcript pp. 00250-00299 from 10.00am to 12.43pm.pdf

⁹³ <https://www.icac.nsw.gov.au/investigations/current-investigations/2019/political-donations-operation-aero/political-donations-allegations-concerning-alp-nsw-branch-officials-chinese-friends-of-labor-and-others-operation-aero>

⁹⁴ https://www.google.com.au/search?q=daniel+mookhey+mp+airbnb&source=inms&sa=X&ved=0ahUKEwilttuv3LPkAhXaAnIKHb27BE4Q_AUI DCgA&biw=803&bih=554&dpr=1

- Mark Lyons, Cessnock City Councillor
- Adrian Wong, Deputy Mayor Fairfield Council
- Tim Harcourt, Economist and advisor to the South Australian Government
- Brendan Lyon, Partner, KPMG
- Matt Cross, Corporate Affairs Advisory at KPMG
- Sam Crosby, Executive Director, The McKell Institute, Labor candidate for Reid
- Peter Munford, Organiser, Campaigns & Research, NSW Nurses and Midwives' Association
- Michael Gleeson, Managing Director Beltway Government Relations
- Phillip Kessey, former Health Services Union, Branch Official CEPU The Communications Union
- James Fox, Industrial Organiser Health Services Union NSW/ACT

A young family member of Brent Thomas' performed at a Federal Labor launch (7/10/18), attended by Bill Shorten, Tanya Plibersek, Penny Wong, Ed Husic, Tony Burke and Kristina Keneally⁹⁵.

AIRBNB: "Home Sharing Clubs"⁹⁶

Airbnb is supporting the creation of Home Sharing Clubs to help hosts come together to advocate for fair home sharing laws in their communities. We now have more than 100 Clubs operating in communities around the world. This growing network of hosts, guests, small business owners, and local community leaders is leading the way in demonstrating how home sharing benefits neighborhoods around the world."



NSW MINISTER FOR TOURISM STUART AYRES

No disclosure of *DestinationNSW's* links with online booking platforms *Airbnb/Expedia/etc* during Parliamentary Review.

Small sample of *DestinationNSW* and *VisitNSW* listings:

- "Blue Gums Cottage" - portal to *HomeAway* (2014 Revenue USD446.8 million)
- "Tannin Apartment" - portal to *HomeAway* STHLs
- "Victory Court" - portal for 557 STHLs
- "Koorinal" - portal for 557 STHLs
- "The Lotus Retreat at Horizons" - portal to 443 STHLs
- "Villa Mer" - portal to 332 STHLs
- "Luxico Harbourside Retreat" portal for 202 STHLs
- "Apartment One surfside" - portal to 151 STHLs
- "James Cook 11" - portal to 151 STHLs
- "Villa Pinot" - portal to 113 STHLs

⁹⁵ <https://www.smh.com.au/politics/federal/bill-shorten-launches-fair-go-action-plan-for-labor-20181007-p5089q.html>

⁹⁶ <https://www.airbnbccitizen.com/clubs/>

AIRBNB and HRIA/ASTRA LANDLORDS' ASTROTURFING CAMPAIGN

Firstly, we highlight another message that appeared on social media concurrently with an Airbnb template. This first message highlights another example of the issues brought to residential communities and buildings when residents are replaced by transient clients. Problems are not limited to: violence, overcrowding, prostitution, alcohol and drug activity and trafficking, human trafficking, money laundering.

(As of 02/09/19, this Airbnb operator has 72 properties listed⁹⁷)

"Just a watch out for Melbourne hosts. We've just had our 6th apartment for the year trashed by...gangs. Threatened our cleaner with a knife this time and wanted to take on the police when they arrived (the police wouldn't come until terrified neighbours called). Police told us this is happening every weekend and it's sport. No fear of authority and they stole the keys and now won't leave the foyer. Building manager terrified. Police now coming back. The response of Airbnb? You should turn off instant book (and therefore send us to page 50 in the search ranking...) oh and by the way if we cancel an instant guest booking. They will take our Superhost away and we suffer other penalties. This is the real attitude of this company to hosts, yet look what we are subject to make their billions. By the way, as Airbnb have now banned profile photos until AFTER booking has been accepted due to their "diversity and inclusion" policy, we now suffer all the risk."

"Airbnb doesn't care about the host, they've proven it time and time again with their ridiculous policies..."

Airbnb and HRIA/ASTRA are astroturfing the NSW Government via their landlords/platform users and are asking that all send the following message to Parliament.

AIRBNB 'TEMPLATE' FOR PLATFORM USERS, circulated across Social Media by:

JOAN BIRD – HRIA/ASTRA Board Member, Principal, Ray White Jindabyne/Snow Escape Holidays⁹⁸:-

"By now most NSW based hosts would have received the "template email" they (Airbnb) would like you to send to NSW Dept of Planning, with their objections to the proposed changes. Just wondering how you feel about if you understand their objection to the "onerous cost of obtaining complying development"? Any residential development either under the old DA system or the newer complying development application already has this – you need it to build. Are they saying that anything that can have a bed put in it can be used on Airbnb? So a tepee in the backyard, a garage or an enclosed garden shed should be allowed?"

Email to Department of Planning:-

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

I host on Airbnb because...(insert)

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) regulations 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 homes 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

⁹⁷ <https://www.airbnb.com.au/users/1739996/listings> www.completehost.com.au

⁹⁸ <https://www.snowescapeholidays.com.au>

requirements to alter 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 the 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."

NSW POLICE

STATEMENT OF POLICE

OFFICER IN CHARGE STATEMENT
(Redacted Statement)

And

CORONER'S REPORT ON DISPENSING WITH AN INQUEST



NSW POLICE

STATEMENT OF POLICE

In the matter of:	Death of	-- House Fire at 65 Illawong Road, Anglers Reach
Place:	Cooma Police Station	
Date:	1 October, 2015	

Name:	Detective Senior Constable Stephen Hopkin
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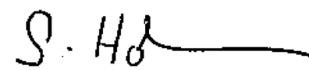
STATES:

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.
2. I am 50 years of age
3. The Deceased, , commonly known as , was born on the 20 July, 2011, in . His parents are , and . After previously moving from to Australia in 2008, the family again moved to (where was then born) and they remained there 2012, before returning to Australia, and settling in Melbourne.
4. There are two other children in the family, their daughter (9 years old) and their son (1 year old).
5. In 2013 the family moved into a new home at
6. On the 20 July, 2015, the family were visited by a family of four friends at their home. This family consisted of , his wife , and their sons, and
7. On the 23 July, 2015, both families, and an additional friend, , left Melbourne to head to Anglers Reach, NSW, where they were going to meet with other friends for a ski holiday.
8. The vehicle owned by the family was petrol driven Mitsubishi Pajero four wheel drive. Prior to leaving on the holiday made enquiries with friends and associates in relation to the area they were travelling to and discussed topics such as snow or ice covered roads and the

Witness:



Signature:

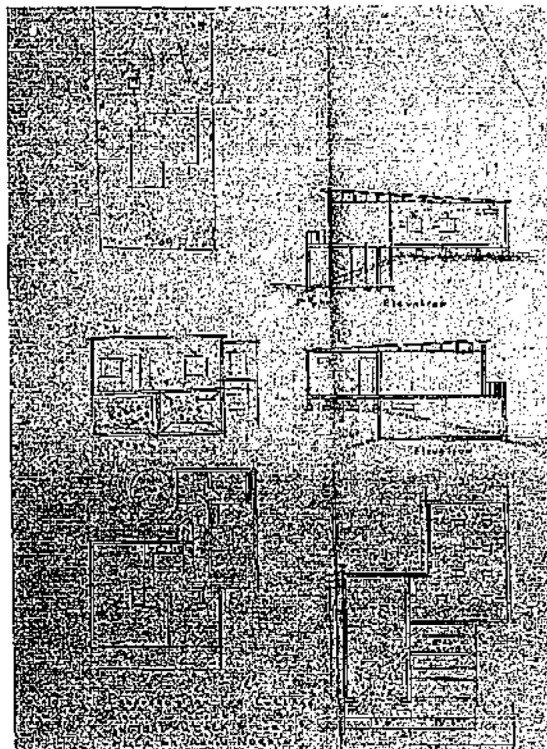

Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

availability of fuel for vehicles in the area. As a result, [REDACTED] purchased a set of snow chains for his vehicle and also brought with him a small 4 or 5 litre plastic fuel can for use if he ran short of fuel and could not locate a petrol station.

9. On the way from Melbourne to Anglers Reach the group stopped for a coffee, then for lunch at McDonalds Albury & then they stopped at Tumut. Whilst in Tumut the group fuelled their vehicles at the Tumut Coles Express Service Station where [REDACTED] also topped up the plastic jerry can.
10. They then continued onto Anglers Reach, arriving between 6.00pm and 6.30pm.
11. The group first went to [REDACTED] Illawong Road where their other friends were staying. One of their friends, [REDACTED], had arranged accommodation at both No. [REDACTED] and No. 65 Illawong Road, Anglers Reach, through the Snowy Mountains Holiday Centre of 9 Denison Street, Adaminaby.
12. [REDACTED] gave [REDACTED] the code for the 'key box' at No. 65, and they discussed dinner arrangements. The two newly arrived families and [REDACTED] then drove back along Illawong Road to No. 65. It was dark, and it took a while to locate the main entrance and the 'key box'. They then used the code to obtain the key from the box, and they opened the house. None of them had been in this house before.

EXHIBIT – I NOW PRODUCE THE FLOOR PLAN OF THE HOUSE.



Witness:

[Handwritten signature]

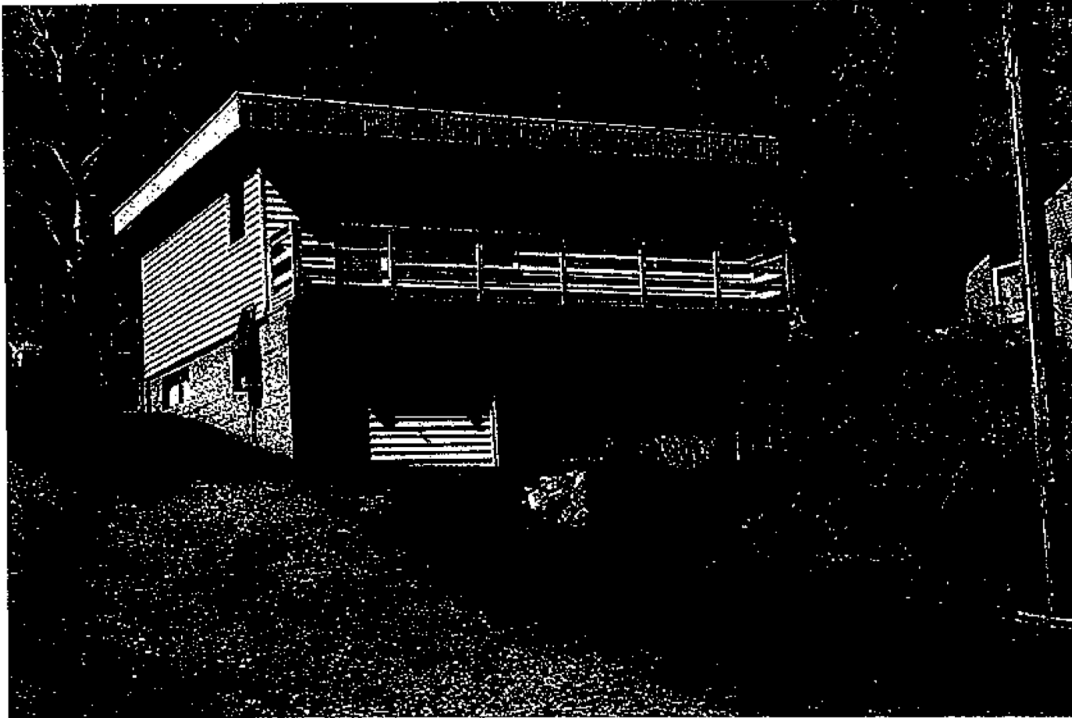
Signature:

S. Hop

Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

EXHIBIT – I NOW PRODUCE PHOTOGRAPHS OF THE HOUSE PRIOR TO THE FIRE.



13. The house was a three bedroom two storey house with all living areas on the top floor. The building application for this house was submitted in 1970 to the Snowy River Shire Council, and it was constructed soon after.
14. Once in the house they turned on all the lights and looked through the house. They found it was really cold. They looked for the heating for the house, turned on electric blankets and checked things such as the hot water and kitchen equipment was working. They then started unpacking the car, but as it was wet outside, it was decided that [REDACTED] would bring the things from the cars to the front door and the others would take their luggage from the front door into the house.
15. The house contained a slow combustion wood heater, which was located in the lounge area. The heater was located on a raised hearth and under a chimney. The flue travelled up this chimney.

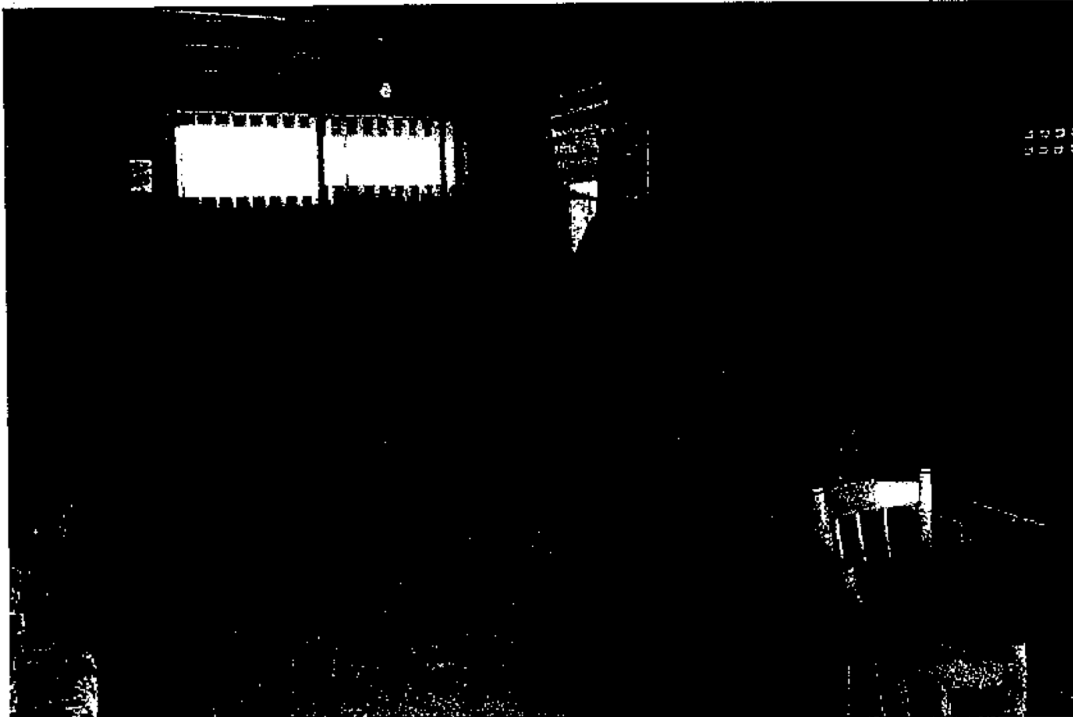
Witness:

Signature:

Stephen Hopkin


Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

EXHIBIT – I NOW PRODUCE A PHOTOGRAPH OF THE LOUNGE AND FIREPLACE.

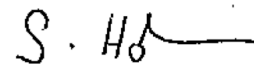


16. As it was very cold in the house, [REDACTED] attempted to light the fire. He took wood from a stack on the hearth near the fireplace, and placed some wood pieces in the heater. He then lit fire lighters in an attempt to catch the wood alight.
17. None of the group had ever had experience with the use of a slow combustion wood heater.
18. The group then continued to bring their luggage in, and as they did this, [REDACTED] also brought the small fuel can into the house with all their other luggage.
19. About 5 to 10 minutes after [REDACTED] had attempted to light the fire, it was still not burning very well, and was giving off very little heat. [REDACTED] then had a thought to use some petrol from the jerry can, to get the fire burning well. It appears he opened the can whilst standing near the fire, approximately a metre away. As he took the lid off the fuel can and started to pull the spout out of the neck, [REDACTED] and [REDACTED] said something to [REDACTED] indicating not to open/use the fuel.

Witness:



Signature:

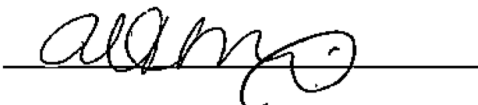


Stephen Hopkin

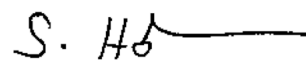
Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

20. But simultaneously some fuel from the can spilt, most likely onto the tiled hearth, and/or the floor (covered in carpet). [REDACTED] indicates at this time he "felt that something going wrong" (*sic*). The fuel that had spilt on the hearth/floor ignited, and fuel on the can also caught alight.
21. Everyone in the group at this stage became panicked, they began shouting, and they started to make their way out of the house, via the front door.
22. [REDACTED] began to run with the jerry can, trying to take it out of the house, but his family and friends were also going out that way, so he could not get out the front door with it without the risk of hurting someone. So instead he took the fuel can to the back of the house, where he tried to open the back door. He did not succeed. He then decided to leave jerry can on the floor somewhere at the rear of the house.
23. During the time [REDACTED] was running with the jerry can, it had been dripping petrol and igniting behind him. As the house consisted of internal wood panelling on the walls, and fuel was dripping on the carpet, the floor and walls began burning and the fire took hold very quickly.
24. As [REDACTED] went to leave the house, he found [REDACTED] clothing was alight and as a result he pulled her jumper off and rolled her on the floor, managing to put the fire out on [REDACTED]. They both then left the house.
25. [REDACTED] then found out from his wife that their four year old son [REDACTED] was unaccounted for. [REDACTED] and [REDACTED] were calling for [REDACTED] and they started looking for him. But they heard no answer from their son, and due to the smoke and fire they could not locate him. The last place [REDACTED] had been seen was in the kitchen, shortly before the fire taking hold.
26. [REDACTED] and some of their other friends then tried to get into the house by other means/locations, including trying to break open the back door and trying to get up onto the front veranda (from on top of a vehicle). But inside the fire was too intense, and the smoke too thick, and they could not gain entry.
27. Anglers Reach is a somewhat isolated community with one road into the town. The location is in a Rural Fire District, which is served by local volunteers. There is a small Rural Fire Brigade at Anglers Reach and the next closest Rural Fire Brigade is at Adaminaby (15km). The closest NSW Fire Brigade Station located at Cooma (66km). The first Triple Zero call was received at 6.34pm and the first volunteer was informed at 6.36pm. The Anglers Reach Brigade arrived at the premises about 6.45pm. By the time the Anglers Reach Rural Fire Brigade arrived, the house was engulfed.

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

EXHIBIT – MAP OF LOCATION OF ANGLERS REACH.

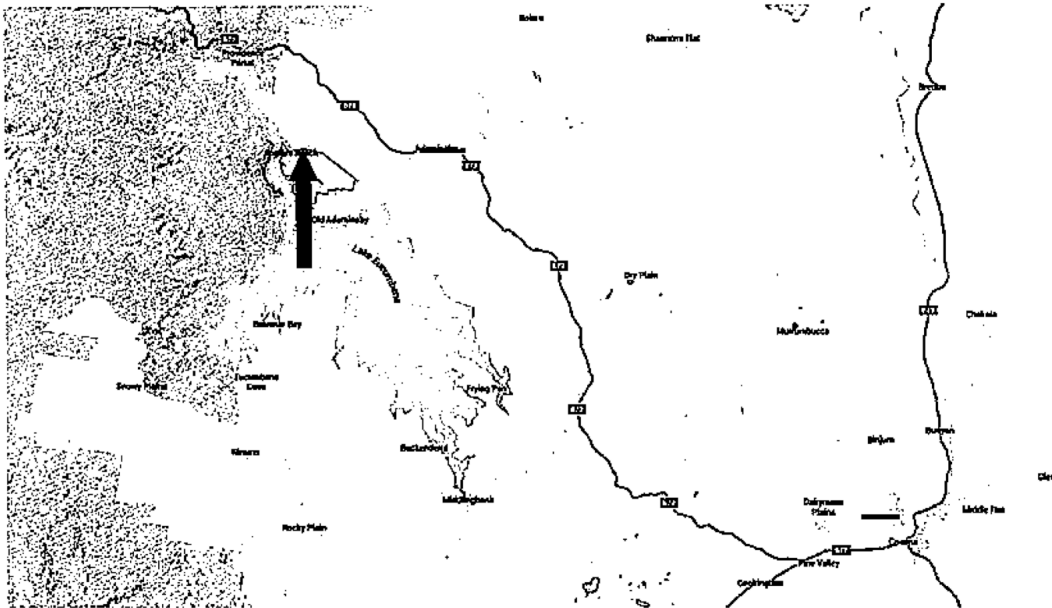


EXHIBIT – PHOTOGRAPH OF THE HOUSE BURNING TAKEN BY A RESIDENT ACROSS THE ROAD.



Witness:

[Handwritten signature]

Signature:

S. Hopkin

Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

EXHIBIT – I NOW PRODUCE A PHOTOGRAPH OF THE HOUSE AFTER THE FIRE.



28. The Ambulance Service of New South Wales attended the scene and treated [REDACTED] for minor burns on his face and hands, [REDACTED] for minor burns on his lower right leg and [REDACTED] had serious burns on her hands, throat and chest. All three were conveyed by road to Cooma Police Station, and then [REDACTED] was airlifted to Canberra Hospital and later The Alfred Hospital, Melbourne.
29. Police attended the location and secured it as a crime scene.
30. Plain Clothes Senior Constable Hardman and I were recalled to duty about 7.30pm on 23 July, 2015. We made our way to Cooma Police Station and then travelled to Adaminaby Police Station, where we had a discussion with Chief Inspector Tranby. We then made our way to 65 Illawong Road, Anglers Reach.
31. On arrival at that address I saw the premises were located on the left side of the street, on the high side. It had premises on both sides of it. It appeared to be the remains of a two story dwelling.
32. The bottom level consisted of an enclosed garage, all its contents destroyed (including a small boat) and an open garage which had little damage and appeared to have been empty other than garbage bins.
33. The top floor had been completely destroyed with the roof collapsed at the front and left side and some partially held up in the back right area. I walked around the perimeter of the house to familiarise myself with the layout.

Witness:

Signature:

Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

34. Plain Clothes Senior Constable Hardman and I then walked down to 70 Illawong Road, where we spoke to [REDACTED] and [REDACTED]. They supplied details of the persons involved in the incident, their injuries. We were aware from this conversation and information supplied earlier by Police that four year old [REDACTED] was missing, presumably somewhere inside the destroyed premises.
35. We then returned to 65 Illawong Road and waited for the Crime Scene Officer to arrive. Whilst waiting, the Rural Fire Brigade were extinguishing a flare up in what was the kitchen area of the house, when they saw what they believed may be the remains of the missing boy.
36. On the arrival of the Crime Scene Officer, Sergeant Vucko, he was directed to this area and on close examination he confirmed it was the body of a young male person. He then photographed the deceased and area and we retrieved the body. Body Tag 0108434 was attached to the body.

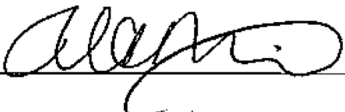
EXHIBIT – I NOW PRODUCE PHOTOGRAPHS OF THE SCENE TAKEN BY SGT VUCKO

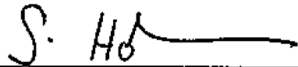
37. The local Government Contractor, Alan Dodd collected the deceased and I followed him to Cooma Hospital where Doctor Truter issued a Life Extinct Certificate. The body was subsequently collected from Cooma and taken to the Department of Forensic Medicine at Glebe.
38. On the 24 July, 2015, Crime Scene Officer, Senior Constable Andrew Gibson and Rural Fire Service Investigator Angus Barnes attended 65 Illawong Road and examined the premises.

EXHIBIT – I NOW PRODUCE PHOTOGRAPHS OF THE HOUSE TAKEN BY S/C GIBSON

39. A Post Mortem Examination was conducted on the Deceased at the Department of Forensic Medicine at Glebe, on the 27 July, 2017, by Doctor Rebecca Irvine. Senior Constable King of Queanbeyan Police indicated that Dr Irvine's verbal interim cause of death would be carbon monoxide inhalation and other combustion (if the carbon monoxide levels in the blood are high), or, otherwise the cause may be affects of fire (if the carbon monoxide levels in the blood are low).
40. Of note, the examination identified the remains of the clothing items left on the deceased, these remains corresponded with the description of the clothing types/colours that the deceased was last seen wearing before the fire. A number of photographs were taken by Crime Scene Officer, Senior Constable Ardish Basty

EXHIBIT – I NOW PRODUCE PHOTOGRAPHS TAKEN BY S/C BASTY

Witness: 

Signature: 
 Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

41. In the course of the investigation a number of interviews were conducted or statements obtained, from witnesses in the matter. Importantly their accounts specifically included their memories of the period immediately before, at the time and immediately after the ignition of the fire.

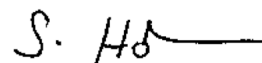
WITNESSES:

42. [REDACTED] states (via a taped interview) that he arrived at 65 Illawong Drive on the day of the fire between 6pm and 7pm and it was very cold inside the house. He attempted to light the fire by placing logs inside and lighting 'little white blocks' (firelighters). He placed the blocks in the fire using a metal 'dustpan'. 'The fire was not enough' and then [REDACTED] said 'Let's put some petrol'. [REDACTED] did not know if the petrol had been there or if he [REDACTED] came with it. [REDACTED] and everyone said 'No, No' in relation to using petrol. As they said this he [REDACTED] opened the petrol container and some petrol either poured or fell onto the 'dustpan' (which was on the hearth in front of the fire). 'In a split second' the fire started.
43. [REDACTED] saw flames on his trousers and removed his trousers. He found he was burnt. His sons left the house and he recalls 'the lady' [REDACTED] was shouting her baby was inside. He tried to locate a blanket so he could go back in and look for the child, but he could not find one and he was unable to go back inside (due to the fire). He believes the fire started within 15 to 20 minutes of them arriving at the house.
44. [REDACTED] states she had travelled to 65 Illawong Drive on the day of the fire with her family and the [REDACTED] family. She was in the house whilst her husband [REDACTED] tried to light the fire with wood and 'little white cubes'. After 20 minutes the fire was not working and they were discussing how to get it to work. She recalls seeing the fuel container on the floor in the corridor about a metre away from the fire. She did not know where the container had come from, but recalls it was not there when they arrived.
45. The next thing she recalls is her son [REDACTED] yelling 'Fire Fire' and she saw fire outside the heater. She saw [REDACTED] carrying the burning container and he ran with it towards the front door; with it was dripping on the floor and catching alight. Everyone was yelling to get out. She passed [REDACTED] in the hallway and went outside with [REDACTED] and [REDACTED]. Some of their clothing/hair caught alight on the way out but was extinguished. They then realised [REDACTED] was not there, [REDACTED] was screaming for [REDACTED] along with others. She asked the lady next door for help, and the lady called the fire brigade. She then found her husband's pants had caught alight and he had a burnt leg. She then took him to the Ambulance.

Witness:



Signature:



Stephen Hopkin

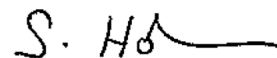
Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

46. (taped interview) indicated that they arrived at the house about 6.00pm (unsure exactly). Both mothers and the other children were in the house too. His Dad [REDACTED] and the other Dad [REDACTED] were trying to make heat (trying to light the wood heater) and [REDACTED] was standing near the doorway to the room. The Dads were lighting little white things (firelighters) and putting them inside the thing with the logs (the wood heater). The next thing he remembers was seeing flames and fire in the corridor and he ran outside and went to the house next door.
47. [REDACTED] states when they arrived at 65 Illawong Road, it was drizzling and cold. They stumbled around finding light switches and turning everything on. They then decided to get everyone into the house and start bringing the bags in before it started raining. As it was muddy outside, [REDACTED] suggested he remain outside bringing bags from the car, so the house did not get muddy.
48. [REDACTED] unloaded [REDACTED]'s car first and he recalls seeing the jerry can which he describes as plastic, red with something yellow around the lid. He had earlier asked [REDACTED] (in Melbourne) what it was for, as [REDACTED] told him the gasoline was in case of emergency, if the car ran out of fuel. They filled the jerry can up in Tumut.
49. He recalls [REDACTED] being worried the jerry can could be stolen if it was left outside, so he thought took it inside. [REDACTED] then started to unpack the second car, and whilst doing this heard someone yelling 'Fire' (In the 'Sinhala' language).
50. He ran up to the house, opened the front door and saw people running towards him. He saw fire to his left down a passage towards the main sitting area. He saw [REDACTED] pants were on fire, tried to pat it out, and then told him to go and roll on the ground outside. [REDACTED] then took three of the other children out of the house to the front yard. He then came back up to the house. He looked inside the house through the front door but could not see anything due to smoke and fire. He did not know where all the four other adult, or [REDACTED], were at this stage. He then heard screaming that [REDACTED] was missing. He then tried with others to get into the house from the back, but this was unsuccessful.
51. [REDACTED] (taped interview) is the father of the deceased [REDACTED]. He travelled with his family and friends from his home in Melbourne on the day of the fire. He brought a small jerry can of fuel with him in the car, in case they ran out of fuel. He filled it up in Tumut. When they got to Anglers Reach, [REDACTED] went into their other friend's rental house at [REDACTED] Illawong Road, Anglers Reach, where he spoke to the friends and collected the code/information to allow him to get the key to the house at 65 Illawong Road, Anglers Reach. They then drove there. The men went into the house first to turn the lights on and to look around. Then the other members of the group came in.

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

52. They found it was real cold, and then they found there was a fireplace (In the lounge room). Everyone wanted to start it so it would get warmer. [REDACTED] started to place pieces of wood into it. The set up was confusing [REDACTED]. He found he had to open a door to place the wood in. The wood was already in the house. [REDACTED] then used firelighters (provided by owner) to put in the fireplace with the wood. But the fire did not start to burn quickly.

[REDACTED] then brought some luggage, along with the jerry can, into the house. He wanted to keep the can with everything else.

54. After 5 to 10 minutes the fire was still burning but only the pieces they had lit, it was not catching everything alight, and therefore it was not providing heat. Then [REDACTED] thought he could use some fuel from the jerry can to help get the fire going. He opened the jerry can and started to pull the spout out. As [REDACTED] was doing this he states he thinks [REDACTED] all said not to. But as the jerry can was full, fuel spilled on the floor or the tiled hearth surface, in front of the fire. Before [REDACTED] had a chance to stop and put the lid back on he states he felt something was going wrong (the spilt fuel ignited) and he then thought it was going to burn and he took the can and ran. But the can had also caught alight and it was dripping burning fuel on the floor and catching the floor alight.

55. He could not get the jerry can outside as people were in the way, and he could not open the back door (He thought it was locked), so in the end he put it on the floor. He shortly after became aware that [REDACTED] was missing as [REDACTED] was in the house screaming for him. [REDACTED] and he were looking for him, but [REDACTED] caught alight and he helped to get her jacket off and roll her over to put out the flames.

56. By this stage the walls and floor was burning, and he could not stay in the house.

57. He then tried to get in via the back door, with others, and others tried to get on the veranda from the top of the car, but both ways were impassable.


58. [REDACTED] is the mother of the deceased [REDACTED] She travelled from her home in Melbourne on the day of the fire. She recalls a small fuel can being in the car and filled on the way (in Tumut), it was brought in case they needed fuel for the vehicles. When they got to 65 Illawong Road, Anglers Reach, her husband and the other men first went into the house, and about 5 minutes later [REDACTED] followed. She found it was very cold inside. She looked around the house.

59. The adults decided they needed to light a fire in the fireplace. She saw it was square with a door on the front. She had not seen this type of fireplace before. She did not see anyone place wood in the fireplace, but she saw [REDACTED] lighting fire starters and placing them inside the fireplace.

Witness:



Signature:



Stephen Hopkin

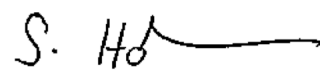
Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

60. [REDACTED] was standing near the lounge room windows when she saw the fire 'come out of the fire place'. She thinks the carpet caught alight. Everyone started screaming and she jumped over the fire to get out of the house. In doing this her jumper caught alight. Her husband pulled her jumper off her and rolled her on the floor, to put out the fire on her.
61. At this stage she realised her son [REDACTED] was missing and she and her husband [REDACTED] were calling out for him and trying to search the house. But the fire was too hot and the floors and walls were burning and there was too much fire and smoke. A final attempt to enter the house was made at the rear this did not work. [REDACTED] again tried to go in the front door, but there was lots of smoke. She was then taken to a neighbouring house where she waited until the Ambulance arrived. She was then conveyed to Hospital where she was treated for serious burns.
62. [REDACTED] was one of the group of friends staying at [REDACTED] Illawong Road, Anglers Reach, and after the arrival of their friends staying at 65 Illawong Road, he and his wife and daughter went to the other house to take them some food (approx 6.35pm to 6.45pm). As he approached the house he saw the fire had engulfed the top right hand side of the house and he heard screams. He saw [REDACTED] run down to him and she had burns on her face. He then assisted others trying to force entry through the rear of the house, but although able to break the door open, he could not enter as there was too much smoke.
63. [REDACTED] was one of the group of friends staying at [REDACTED] Illawong Road, Anglers Reach. He first became aware of the fire when [REDACTED] came back to the house and started beeping the horn. [REDACTED] then drove to the house. He saw the fire was outside of the house and smoke and flames coming out of the side. He confirmed with other onlookers that someone had called the Fire Brigade. At the request of someone he then shone his car lights on the front of the house. He then saw some people were standing on a Pajero, trying to get onto the front balcony. He waited around while the Fire Brigade and police arrived. He spoke to the police.
64. [REDACTED] is the owner of the destroyed house. [REDACTED] lives in South Windsor (Sydney). He purchased the house around 2002 / 2003 for \$80'000. The slow combustion heater had been installed prior to the purchase.
65. After purchase, the house was fitted out with furniture, bedding and kitchen items. When the premises were rented, tenants were also supplied wood, fire starters and matches to light the slow combustion fire. On a bench under the phone a 'welcome pack' was kept with instructions of how to use things and where things were located. When tenants used the house, they had to bring their own linen, clothing, toiletries and food.
66. The rental of the property was organised through Snowy Mountains Holiday Centre in Adaminaby. It was on their website. Cleaning was arranged by [REDACTED] when required, after rentals.

Witness:




Signature:


Stephen Hopkin

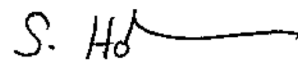
Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

67. Various maintenance and upgrade/replacement of household equipment took place during the time [REDACTED] owned the house, including the upgrade of the electrical board in 2011 / 2012. An Insurance Policy was held with NRMA Insurance for the value of \$279,000 and \$52,000 for the contents.
68. [REDACTED] received notification of the related booking by [REDACTED] (for the period of 23 July to 26 July), from Snowy Mountains Holiday Centre, on the 6 May, 2015. He was informed of the fire on the evening of 23 July, 2015 by a neighbour, and later by [REDACTED] from the Snowy Mountains Holiday Centre.
69. Statements were also obtained from Police and other Investigators.
70. **Detective Sergeant Vucko** – (Queanbeyan Crime Scene) attended 65 Illawong Road, Anglers Reach in the early hours of the 24 July, 2015. He was apprized of the situation and then moved to the north eastern corner of the premises, which was under lighting provided by the Rural Fire Service.
71. He observed human remains in the debris in the remains of the kitchen area. Scaffolding planks were put in place so he could examine the area. He found the flooring under the body had been preserved, the remains were of a young child, the deceased was prone (face down) on the floor, the head was against a collapsed cupboard, the body was aligned generally north/south, and the posterior of the body was charred and fire affected.
72. He then assisted with the body recovery before returning to Queanbeyan.
73. **Detective Senior Constable Gibson** – (Queanbeyan Crime Scene) after examining and photographing the fire scene, developed the opinion that 65 Illawong Road, Anglers Reach was extensively damaged by fire. He found that the floor and supporting timbers in the lounge room area, near the fireplace, had been completely consumed, and no internal supporting walls remained in this area. He found the damage lessened as it moved away from the fireplace area towards the extremities of the building. Having later read the interview conducted with [REDACTED], he believes the version is consistent with his findings.
74. **Inspector Angus Barnes** – (Rural Fire Service Investigator) found that most amount of damage had been occasioned to the northern part of the house, along with the floor being burnt right through in the area adjacent to the wood burning fire place. He also observed 'clean burn' in the area around the fire place, indicating high intensity. He found areas away from the northern end had far less damage. As a result he also agreed that the point of origin was in the vicinity of the wood burning fire and the cause being accidental in attempts to light the wood fire.

Witness:



Signature:


Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

75. **Enquiries at Coles Express Tumut** – Detective Parker of Tumut Detectives made enquiries at the Tumut Coles Express Service Station and confirmed via the viewing of video and copies of receipt dockets that the [REDACTED] and [REDACTED] family had attended the Tumut Coles Express Service Station about 2.30pm on 23 July, 2015.

EXHIBIT – I NOW PRODUCE A RECEIPT FROM THE COLES EXPRESS

76. **Enquiries with [REDACTED] and the Snowy Mountains Holiday Centre** – [REDACTED] indicates that the premises were installed with both smoke alarms and fire extinguishers. Her recollection being that there was a smoke alarm in the hall near the kitchen entrance and one in the hall near the back bedrooms. In relation to fire extinguishers, her best recollection places one extinguisher in the lounge / kitchen area. The cleaner, [REDACTED] believes there was also a fire extinguisher in the rear of the house near the entrance to the sauna.
77. [REDACTED] indicated the lock on the back door was an old style one that could be opened from the inside without the use of a key, by turning the knob (not a dead lock style). This was confirmed by cleaner [REDACTED]

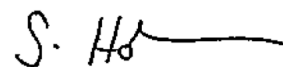
ENQUIRIES MADE REGARDING ANY RELATED SAFETY REGULATIONS:

78. **Enquiries with the Department of Fair Trading and other Organisations** – Initial enquiries were made with the Department of Fair Trading in relation to what safety standards, regulations etc were applicable to this type of rental property. Subsequently [REDACTED], the Coordinator of the Real Estate Area indicated that such a short term rental property was not covered by the Residential Tenancy Act and she was not aware of any related safety regulations. She indicated that the Snowy Mountains Holiday Centre, who advertise and rent the premises on behalf of the owner, are not Real Estate Agents but come under the title of Travel Agents. She indicated that such organisations are self regulated. [REDACTED] suggested enquiries be made with 'AFTA' (Australian Federation of Travel Agents).
79. [REDACTED] of 'AFTA' was spoken to and he indicated that the members of his organisation do not have any set safety standards to which are they have to abide. He indicated that from the 30 June 2014, industry licensing had in fact been de-regulated. He suggested enquiries regarding any existing safety standards for this type of premises, be made, with organisations such as the Australian Hotels Association and Accommodation Association of Australia, or with the Inn Keepers Act (NSW).

Witness:



Signature:


 Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

80. It was ascertained that the Australian Hotels Association and the Inn Keepers Act (NSW) did not relate to such a premise.
81. Subsequently, [REDACTED] the 'General Manager of Operations' at the **Accommodation Association of Australia**, was spoken to. [REDACTED] was able to provide some valuable information in regards to standards for this type of premise.
82. [REDACTED] indicated that such a premise which offers holiday accommodation is known in the Industry as a '**Non Compliant Short Term Accommodation**'.
83. He informed that there are some standards that this type of premises/building must adhere to, but only if the Local Council has categorised the building as a 'Class 1B' building, under the **National Construction Code**. A 'Class 1B' building is defined as:

1.3.1 Principles of classification

The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used.

Explanation/information:

1. Class 1 and 10 buildings are classified in accordance with this Part; and
2. Class 2 to 9 buildings are classified in accordance with Section A of BCA, Volume One;
3. Access requirements for people with a disability for certain Class 1b and Class 10a buildings, and certain Class 10b swimming pools, are contained in Volume One of the BCA. These requirements are based on the Disability (Access to Premises – Buildings) Standards which are available from the Australian Government Attorney-Generals Department Website at www.ag.gov.au.

1.3.2 Classification

Class 1 and 10 buildings are classified as follows:

Class 1 — one or more buildings, which in association constitute—

(a) Class 1a — a single dwelling being—

- (i) a detached house; or
- (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or

(b) Class 1b —

- (i) a boarding house, guest house, hostel or the like—

2

(A) with a total area of all floors not exceeding 300 m measured over the enclosing walls of the Class 1b building; and

(B) in which not more than 12 persons would ordinarily be resident; or

- (ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage (see **Figure 1.3.1, 1.3.2 and 1.3.3**).

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

Explanation/Information:

Class 1B buildings used for short-term holiday accommodation include cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation. This accommodation itself is typically rented out on a commercial basis for short periods and generally does not require the signing of a lease agreement. Short-term accommodation can also be provided in a boarding house, guest house, hostel, bed and breakfast accommodation or the like.

84. indicated that a Local Council is not obligated to deem a premise as a Class 1B, but if they do so, they should then enforce the code in some way. He advised that due to the three layers of Government involved in this area (Local, State, Federal), it all becomes quite complicated.

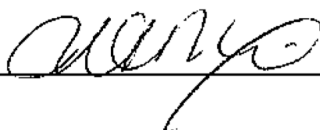
85. stated that there had been talk in the Industry that standard regulations should be put in place in regards to 'Non Compliant Short Term Accommodation', so safety standards can be monitored and regulated. One such standard example that could be introduced is known as the 'Japanese Model'. This regulation model would enforce such areas, but not be restricted to:

- *The inspection of premises on a regular basis (between every 1 and 3 years)*
- *Stipulate what type of Smoke Detectors must be installed*
- *Stipulate location, number and type of Fire Extinguishers*
- *Ensure there are two safe points of egress*
- *Stipulate a well articulated evacuation plan is displayed*


86. Perusal of Volume Two of the National Construction Code Series 2015 (Building Code of Australia - Class 1 and 10 Buildings) shows it to be a comprehensive document covering many various areas of building standards. In relation to relevant fire safety issues to this premise, the Code indicates that if it is categorised as a Class 1B building the following should apply:

- **The Hearth:** Should extend 400mm from the heating appliance.
- **Smoke Alarm Requirements:** Smoke alarms must be located in Class 1B buildings in accordance with Sections 3.7.2.4 and 3.7.2.5; and comply with AS 3786; and be connected to consumer mains power where consumer power is supplied to the building; and be interconnected where there is more than one alarm.

Witness:



Signature:


 Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin

In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

- **3.7.2.4 Smoke Alarm Location:** In Class 1B buildings, smoke alarms must be installed on or near the ceiling in every bedroom; and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and on each storey.
- **3.7.2.5 Lighting to assist evacuation — Class 1B buildings:** In a Class 1B building, a system of lighting must be installed to assist evacuation of occupants in the event of a fire; and be activated by the smoke alarm (required by 3.7.2.4(b)), and consist of — (i) a light incorporated within the smoke alarm; or (ii) the lighting located in the corridor, hallway or area served by the smoke alarm.

Explanatory information:

The lighting required by 3.7.2.5 may consist of the artificial lighting which may already be installed in a corridor, hallway or area, provided that lighting is activated by the smoke alarm.

Interconnection of smoke alarms: Alarms need to be interconnected to provide a common alarm so that if one alarm in the dwelling activates then other alarms automatically activate, which will increase the likelihood of sleeping occupants becoming aware of the detection of smoke.

LOCATION OF SMOKE ALARM

Legend: ● Smoke alarm

● Smoke alarm with evacuation lighting (as required by 3.7.2.5(b)(i))

Diagram b. Class 1b buildings

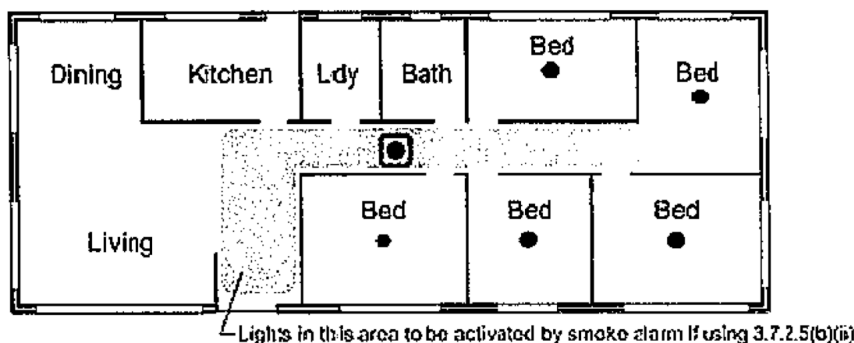


EXHIBIT – I NOW PRODUCE RELEVANT SECTIONS FROM THE NATIONAL CONSTRUCTION CODE

Witness:

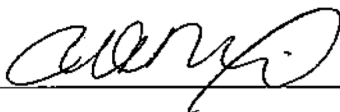
Signature:

Stephen Hopkin

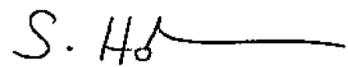
Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

87. Other important safety areas such as emergency exit doors, types of locks and fire extinguishers are not raised in the National Construction Code.
88. If required an adequate fire extinguisher to be located close to the fire place. The fire may have been extinguished by the guests immediately after its ignition.
89. The Accommodation Association of Australia have indicated that they would be happy to contribute their knowledge and ideas to the Coroners Court, (by way of a submission or other), in relation to the lack of standards/regulations with respect to 'Non Compliant Short Term Accommodation' premises, as they consider some regulation is required to enforce safety standards.
90. **Enquiries with [REDACTED] of the Snowy River Shire Council:** (The geographical Local Council for this location) Mr [REDACTED] indicated that the premises at 65 Illawong Road, Anglers Reach, had been categorised by Council as a 'Class 1A' building. It had been inspected by Council (once) after an 'Application to Change Use' had been submitted, requesting the use of the building be changed from residential to short term accommodation. As a 'Class 1A' it did not require any follow up inspections by Council. The Snowy River Shire Council does not appear to have considered that the premises could be classed 1B, where the premises would have been required to fulfil more stringent fire regulations and be inspected on a regular basis.
91. **Section 1.3.2 – Classification**, of the National Construction Code Series 2015 Volume Two was drawn to the attention of Mr. [REDACTED] especially Section (b) and the associated Explanatory Information. Mr. [REDACTED] indicated he was not convinced the use of the premises should come under Class 1B.
92. As a result of this investigation, I have found that these type of premises known as '**Non Compliant Short Term Accommodation**' seem to have 'slipped through the cracks' in relation to some standard fire safety regulations.
93. Subsequently I would like the Coroners Court to consider making a number of my recommendations which would improve safety, but not necessarily restricted the recommendations to those highlighted below:
- That legislation be enacted enforcing specific installation regulations for smoke alarms and emergency lighting, in all 'Non Compliant Short Term Accommodation'. (Such as required for Class 1B buildings)
 - That legislation be enacted requiring a fire extinguisher be located adjacent to all wood fire heaters and in all kitchen areas, in all 'Non Compliant Short Term Accommodation'.

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

- That legislation be enacted requiring the provision of comprehensive instructions on how to light any installed wood fire heaters. (Including what not to do – e.g. 'do not use an inflammable liquid').
- Consideration by given that a regulation be created stipulating that only gas or electric heating is to be installed in all 'Non Compliant Short Term Accommodation'.
- That legislation be enacted requiring the display of a well articulated 'Evacuation Plan' in a prominent area of any 'Non Compliant Short Term Accommodation'.
- That legislation be enacted requiring illuminated 'Exit Signs' be fitted to all external doors in any 'Non Compliant Short Term Accommodation'.
- That legislation be enacted requiring all external exit doors on 'Non Compliant Short Term Accommodation', be of a regulated type that can be opened easily without the use of a key.

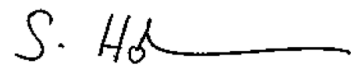
THE LIGHTING SLOW COMBUSTION WOOD HEATERS:

94. Prior to this accidental ignition of the fatal fire, [REDACTED] and [REDACTED] were attempting with great difficulty to light a heating fire in the installed slow combustion heater. They had no experience with lighting such a fire. Such a combustion wood fire heater has settings for air flow on the heater, called a damper. The damper controls airflow into the firebox after you close the doors. By opening and closing the damper, you can exert some level of control regarding to how fast and hot a fire burns. If this is not adjusted properly when first lighting the fire, it can make it difficult to start the fire and getting it to continue burning. Some heaters also need the door to be cracked (open) a little or the ash pan door opened a little, whilst starting the fire.
95. Also when lighting a fire it needs to be 'built', not just have a few logs and fire starters thrown in and a match put to them. Kindling should split into small pieces 10 – 20mm thick (but no need to be accurate) and should be laid on top of newspaper or fire lighters and spread out touching each other, but allowing gaps for air or flames. When this all starts burning, then larger logs should be laid on top carefully trying not to disturb the initial fire too much. Once the larger logs catch, then the damper can be adjusted as required.
96. The above complexities appear to have prevented the group from establishing a fire, leading them to the use (or consideration of use) of the fuel which ignited the house fire.

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach

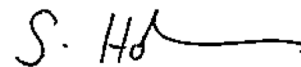
SUMMARY & OPINION:

97. From my investigation into the fire at 65 Illawong Road, Anglers Reach, I have formed the opinion that the fire originated in the lounge room area, near the wood fire heater, after [REDACTED] opened, and spilled, unleaded petrol from a small jerry can, onto the floor (or hearth). The fumes from this spillage ignited, due to the small fire already burning/smouldering in the wood fire heater a short distance away. The floor and walls quickly ignited and spread.
98. As the men (and their wives) had no experience with igniting wood fires, [REDACTED] wanting to provide a warm environment in the house for the families, developed the idea to use some of the unleaded fuel he had brought with him. Although in the end he did not pour any petrol on the fire, just by the act of removing the lid and spilling some fuel on the floor was enough to trigger the subsequent ignition of the fumes.
99. As the families had only just arrived at the house, in the dark, at a location never visited before, their unfamiliarity with the house became a contributing factor to the resulting tragedy. The panic that ensued after the house fire started, and the group's unfamiliarity of the house layout, all worked against them in the need for the quick location and rescue of young [REDACTED].
100. Due to the resulting urgent actions that needed to be performed, such as extinguishing the fires on the clothes of [REDACTED] and [REDACTED] the adults in the group were delayed in the realising that [REDACTED] was unaccounted for and most likely still inside the house.
101. As the walls of the house were covered in timber panelling, the fire took hold and spread very quickly, assisted by the spilt fuel. Smoke and fire filled the building quickly. With the fire spreading from the vicinity of the fireplace and into the small hallway, this meant the only designed exit from the lounge and kitchen area was blocked. This was the only exit out towards the front door and back doors.
102. The last two locations where witnesses recall [REDACTED] was seen, was in the lounge area (at the rocking chair) and in the kitchen (seen opening and closing cupboard doors). The kitchen was where subsequently the location where the body of [REDACTED] was later found, next to the cupboards and bench on the northern side of the kitchen.

Witness:



Signature:



Stephen Hopkin

Statement of Detective Senior Constable Stephen Hopkin
In the matter of the Death of [REDACTED] – House Fire at 65 Illawong Road, Anglers Reach



103. Another contributing factor to the death may have been the failed attempt by [REDACTED] to take the already burning fuel can out of the house via the back door. [REDACTED] stated he could not open the door. Enquiries with persons familiar with the house have determined that the door lock was operable without a key, it was not dead locked. Subsequently it appears [REDACTED] unfamiliarity with the style of lock prevented him from opening it in his obvious panic.
104. If [REDACTED] had managed to use the second available exit/entry, to promptly dispose of the fuel can (which was accelerating the fire throughout the house), it would have meant the container of fuel was out of the house reducing the accelerant effect on the fire and possibly creating an additional entry/egress point from the house, that may have helped potential rescuers searching for
105. I believe that due to a combination of contributing circumstances, after the fire having been caused by the accidental ignition of the house by his father, [REDACTED] became isolated from the other family members, in the kitchen, by the fire and smoke, and as a result he died due to the effects of that fire on him.

Witness:

[Signature]
Ursula KRYN
Constable
7/10/15

Signature:

S. Hop
Stephen Hopkin
07/10/2015

Witness:

Signature:

Stephen Hopkin

CORONER'S REPORT ON DISPENSING WITH AN INQUEST

COURT DETAILS

Court: Queanbeyan

Registry: 2 Farrer Place, Queanbeyan, NSW 2620

Case Number: 2015/217291

PROCEEDINGS

Investigation into the death of:

REASONS FOR DISPENSING

The deceased died in a house fire at 65 Illawong Road, Anglers Reach in the State of New South Wales. The house was rented by the parents of the deceased for the purpose of a ski holiday in the area.

On arrival at the house on 23 July 2015 the group decided to light the slow combustion wood fire. None of the group there had any experience with such heating systems. After several unsuccessful attempts to light the fire, Mr [redacted] the father of the deceased, decided to use petrol from a jerry can as an accelerant.

Some of the fuel spilt onto the hearth and ignited, igniting also fuel around and on the fuel jerry can. Members of the group became alarmed. Mr [redacted] ran with the flaming can but did not try to exit the front door as others were using it as an exit. He went to the back door which was locked. As he was running, more fuel escaped the can and was igniting behind him. He placed the can on the floor somewhere near the back door. A fire within the house took hold quickly given the internal wood panelling on the walls.

Once outside, and after extinguishing a fire on the person of his wife, Mrs [redacted] Mr [redacted] learned that their four year old son (the deceased) was not with them. Mrs [redacted] and other persons tried to regain entry into the home but were unable to do so as a result of the intensity of the fire. The house was engulfed and was destroyed by the fire.

The deceased perished during the fire, probably in the kitchen area where he was last seen playing.

DSC Hopkin, the OIC in this matter, has conducted extensive enquiries, and has compiled a comprehensive brief. His investigation has included consultations with relevant local government entities, real estate bodies, and the Australian Federation of Travel Agents. DSC Hopkin's efforts were directed, in the main, to determining what standards, policies or guidelines exist with respect to short term rental of properties and fire safety.

His investigations have led to the conclusion that the industry and Local Government do not regulate to any significant degree, if at all, aspects of fire safety within the holiday rental market and certainly not to the degree that is evident within the commercial hotel industry.

DSC Hopkin is concerned that the lack of oversight and regulation may be contributing to the risk which had such tragic results in this matter. I have given careful consideration to that concern.

A Coroner may dispense with an Inquest unless an inquest is required to be held pursuant to s25 of the *Coroner's Act 2009*.

There is clearly a need for review of fire safety standards in the short term holiday rental market, particularly in areas such as the Snowy Mountains region where short-term rentals, and open and wood fires are commonplace.

In my view this is a matter better suited for review by the appropriate State and Local Government authorities. I recommend that the NSWPF provide a copy of these reasons, excluding reference to any named person, to the NSW Office of Local Government, and NSW Fair Trading for further consideration. The OIC Brief contains additional useful material with respect to this issue.

I am satisfied that the cause, place, date, identity and manner of the death of the deceased are sufficiently disclosed within the Brief on the balance of probabilities.

I am, therefore, satisfied that an Inquest will not take this matter any further and pursuant to s.25 of the Coroners Act 2009, I dispense with holding an Inquest.

PARTICULARS OF DEATH

Cause: Inhalation of carbon monoxide and products of combustion

Manner: House fire

Date: 23 July 2015

Place: 65 Illawong Road, Anglers Reach, NSW 2629



Signed: 

Coroner M D Antrum

Date: 19 October 2016

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 5:37 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

Categories: Rob submission, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 17:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Trish

Last name

Burt

Name withheld

No

Info

Email

neighboursnotstrangers@gmail.com

Suburb/Town & Postcode

Sydney 2000

Submission file

[dpie-submission---neighbours-not-strangers.pdf](#)

Submission

Please acknowledge receipt of this submission. Thank you.

We have been providing submissions to Parliament since 2015. The contents of our submissions have never been acknowledged or critiqued.

We have requested in writing and via telephone copies of legal advice obtained by the DPIE on the proposed changes. No details have been forthcoming.

I agree to the above statement

Yes

From: Neil Barron <uncobazz@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

Regards,
Neil Barron
28 Rudder St
South West Rocks, Nsw 2431

From: Neil Crawford <nncrawford2@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

We host on Airbnb because it enables us to earn a small amount of income to help up in our retirement. We don't receive the aged pension or any other rebates or assistance. We are self funded retirees and just want to add to our income. With low interest rates etc we continue to struggle to fund a way to have an income that meets our basic needs

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".

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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
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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.

Regards,
Neil Crawford
27 French St
Temora, Nsw 2666

From: Neil j Franklin <neil-franklin@bigpond.com>
Sent: Thursday, 5 September 2019 5:21 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

My specific concerns are:

- In regional areas where properties are on acreages no restrictions should be necessary as there would be no impact on amenity or neighbours. The proposal to allow cash strapped local councils to regulate in any way they chose should be entirely unnecessary and potentially risks being used as a cash cow .
- Limiting the number of guests per bedroom. My own property consists of two double bedrooms with ensuites and a bunk room with 2 double bunks. It is set up for two families with 2 children each to get away to the country at relatively low cost. If a limit is to be applied it should be at least 4 (or 2 per room plus 2) otherwise they would need to rent two cottages at additional cost. This is not out of line with what is common in budget hotels (which don't exist anywhere near me) and such visitors bring valuable \$ to regional NSW , especially during this drought.
- Day caps. in city(and regional) houses , as opposed to flats, day caps should not apply as any disturbance issues are far less for neighbours as there are no common areas. Moreover where the rental is not for the entire property (because the owner maintains a bedroom for their exclusive use) then the day cap should not apply either as the owner is able to police the rental to some degree.

Thank you

Neil Franklin
Capertee Valley Farm Stays

From: Neil Joseph <njoptus@optusnet.com.au>
Sent: Saturday, 7 September 2019 10:49 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Re: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Neil Joseph
0418113160

Sent from my iPhone

From: Neil McGregor <neilmcg01@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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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:

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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.

Regards,
Neil McGregor
51 Cowper St
Byron Bay, Nsw 2481

From: Neil Thompson <neilthompson888@gmail.com>
Sent: Friday, 20 September 2019 5:07 AM
To: DPE PS STHL Mailbox
Subject: STRA New Regulatory Framework Discussion Paper - comments

Follow Up Flag: Follow up
Flag Status: Completed

I am writing to express my opposition to the proposed STRA Regulatory Framework as currently drafted in the Discussion Paper

As the owner of a Strata unit, I am firmly of the view that each Strata must have the right to decide its own position on short term rentals. Stratas are capable of managing their own by-laws, and this should be via a 75% vote on an appropriate Special Resolution.

The "21 day exemption" in the draft Framework creates a loophole which clearly undermines the rights of strata owners to manage their property according to the individual circumstances of what is a very wide range of strata sizes, configurations and locations.

Strata owners ultimately bear the costs of common facilities and maintenance of buildings. These include, but are not limited to, security, gardens, car parking, rubbish collection and cleaning. Strata fees and levies are carefully aligned to the running costs of buildings based on the assumption of long term residency.

Experience with the short term rental market shows clearly that, in addition to adding cost to the running and maintenance of strata dwellings, there is additional inconvenience to owners and long term residents from increased noise from short term renters with no vested interest in the wellbeing of neighbours.

This is not an industry that can be relied on to self-regulate, as can be seen with the recent failures of the property development and inspection regime which is placing an enormous financial and safety burden on some owners, and ultimately on the insurance industry as well. Short term rentals should be regulated by an independent government body.

Thank you for your attention

Neil Thompson

Owner : 62/299 Forbes Street, Darlinghurst NSW 2010

From: Nelya Babinets <stenibab@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Nelya Babinets
2-4 Byer St
Enfield, Nsw 2136

From: Neroli Reid <neroli.reid@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Neroli Reid
20 Mort St
Port Macquarie, Nsw 2444

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 4:04 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

Categories: Purple category

Submitted on Wed, 21/08/2019 - 16:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nick

Last name

Buckley

Name withheld

No

Info

Email

nick.buckley@bigpond.com

Suburb/Town & Postcode

Byron Bay

Submission

Short term holiday letting has/is strangling the very heart of Byron Bay. The unrestricted use of residential homes for holiday letting has decimated the number and the average rental for all forms of long term tenancies. In many areas there are almost no permanent residents, and those that are there must continually expect strangers moving in next door, more often than not in holiday/party mode.

The practice erodes the community nature of the town, making it impossible for neighbours to not only not know neighbour; but to form community safety bonds within residential areas.

90 days of STHL in a year is too long and should be reduced to a maximum of 30 days, and this only in premises where the owner is present (living) at the time of the holiday letting.

Policing of any restricted letting scheme is costly, and any cost should be borne by those landlords.

I propose that all short term holiday let premises and landlords be registered with the Byron Shire Council, who will then be given the power to levy annual fees from said landlord. These fees to be used to not only police the scheme; but also to help off set the substantial costs to Council (and therefore rate payers) generated by the numbers of non-residential visitors (additional waste, sewerage etc) to the Shire.

In line with the current proposal, landlords should be struck off the register for failure to manage their properties and visitors to agreed standards.

This practice has the potential (and in our case has already reached it) to remove vast amounts of desperately needed long term affordable rental accommodation from the local area. It encourages people to buy properties in Byron Bay for the sole purpose of STHL and no intention of living there. This is a financial business proposition that is not; but should be, treated and taxed as a business.

Please allow Byron Shire Council to control STHL for and on behalf of its rate payers.

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: Nick Marko <nick.marko.au@gmail.com>
Sent: Thursday, 5 September 2019 12:07 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Flagged

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Nick Marko

0478108747

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 12:24 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sat, 07/09/2019 - 12:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nick

Last name

Taylor-Fick

Name withheld

No

Info

Email

ntaylorfick@gmail.com

Suburb/Town & Postcode

Sydney 2111

Submission

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

Dear Sir/Madam,

My wife and i are an Air B&B host and offer one room accommodation on a short term rental basis in our family home.

We have strong reservations about the proposed regulations & codes for the STRA. These follow recent changes to the STRA industry and we were supportive of those ones. There were known problems associated with this new industry and certain controls and standards were needed to make the Hosts and guests more responsible; and from a social and equitable aspect, to ensure that the supply of rental accommodation in certain areas is still available to other renters on a more long term rental basis.

So, we read these new proposed changes with frustration as we know that we are responsible Air B& B hosts who offer a fantastic, well located, modern and safety compliant room to the market on a short term rental basis. The reviews we receive from our guests are amazing- we are Super Hosts/Air B&B Plus hosts and we enjoy what we offer and do. We have a family home and offer one separate, secure and safe room to the market. The extra cash that our room produces is declared to the ATO and assists us on a week by week basis to cover the bills. Why then are we going to be penalised with these extra restrictions, particularly in the extra requirements for the 'fire & safety' regulations? Our family residence and the Air B& B room have wired smoke detectors and comply with all existing building code regulations.

We see these extra proposed requirements as a blatant attempt by some industry operators to 'kill' off this new industry that helps so many Mum's & Dads keep up with the cost of living and that has created many new affiliated jobs.

If the fire & safety requirements are so important, why then are they only going to be applicable to STLA?

If they are to become entrenched in regulation, surely, they should be Industry wide? A Landlord offering their premises to rent on a 6 month lease basis is just as liable to have a fire & egress issue as one on a short term rental basis. We know a number of people who offer a room in their family home to a boarder (not through Air B&B) on a revolving short-term basis- what is the difference?

On the point of the registration as a Host operator, we don't think that as a family home with one room on Air B&B, we should have to register ourselves with our Local Council. We offer a discreet and well managed service and most of our neighbors wouldn't even know that we are part of Air B&B. There is a privacy issue here and we feel very uncomfortable about this. When a property becomes available for rent on a six month basis, there is no obligation for this property/owner to become registered with the Local Council. As we all know, removing unruly tenants who disrupt the peace and quiet enjoyment of their neighbors is difficult and takes time, whereas an Air B&B guest staying in a place like ours tend to be professional and well behaved. We also don't believe that our Council will have the resources,

financial & human, to take this on.

On the basis of fairness, the burden of extra costs, we feel these proposed regulations are unreasonable to short term rental accommodation operators and in particular to people like ourselves who only provide one room in their family home, that helps us make some very well needed extra money and offers a choice of accommodation to the market in a modern world.

Yours faithfully,

Nicholas & Natarsha Taylor-Fick
17 Prince Edward Street, Gladesville.

fire safety and evacuation controls

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 8:30 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 08:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nicki

Last name

Neon

Name withheld

No

Info

Email

nickineon@hotmail.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

Please don't allow the air and b businesses to take over Byron. Ruins the quality of life to not know your neighbours

I agree to the above statement

Yes

From: Nickolas Ratcliffe <nickolas.j.l.ratcliffe@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Nickolas Ratcliffe
20 Pelican St
Surry Hills, Nsw 2010

From: Nicola Dixon <nicolahdixon@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Nicola Dixon
187 Seal Rocks Rd
Bungwahl, Nsw 2423

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 12:35 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 12:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nichola

Last name

Garvey

Name withheld

No

Info

Email

nichola@maven-publishing.com

Suburb/Town & Postcode

Balmain

Submission

Object to the day caps of 180 days per year.

Either you support short term residential accommodation or you don't. Capping STRA at 180 only pretends to support it but actually undermines STRA. On average STRA gives owners an extra 30% compared to what they would earn renting it out on a long term basis - so you're undermining the whole rationale of doing it in the first place. Besides which, what are owners going to do with the property for the other 180 days?

I can half see an argument for a 180 day cap for apartment blocks, where there are shared common areas and much denser living. But it seems arbitrary to insist stand alone houses should also comply. What you'll actually be doing is forcing owners to stay in the long term rental market and that is over interference in the market. The GIG economy has well and truly arrived - incremental income is the new income - you cannot pretend that the world is not moving increasingly in this direction.

What is the intent for these new proposed regulations? Is it to curb STRA? Or is it to ensure its smooth running? These are the questions that really need to be asked.

I agree to the above statement

Yes

From: Nicola Jennings <nickij35@hotmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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
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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.

Regards,
Nicola Jennings
12 Lockhart Ave
Mollymook Beach, Nsw 2539

From: Nicky Solomon <nicky.solomon@icloud.com>
Sent: Sunday, 22 September 2019 1:14 PM
To: DPE PS STHL Mailbox
Subject: A New Regulatory Framework Discussion Paper

Follow Up Flag: Follow up
Flag Status: Completed

I am an owner resident in a large strata apartment complex in Darlinghurst. I am writing in relation to the New Regulatory Framework Discussion Paper in order to draw attention to the particularities of strata living, and the need for these to be taken into account in the design of the new Regulations. The current draft regulations enable stays of over 21 days to be an exception to the agreed 180 day yearly cap. A potential effect of this, is that apartments in the building would be allowed to have year round short term lettings, even though the zoning for the building is residential. Moreover, owners in a residential area would not wish to have the area creep towards hotel-like accommodation (as a defacto alternative zoning).

There are approximately 100 apartments in the complex and while these apartments are spread over a number of buildings, all apartments are in close proximity to each other. My apartment has neighbours directly above and below, and it has common walls with two sets of adjacent apartments. While noise will always be a feature of dense inner city living, the short term rental market population significantly increases the chances of noisy short term occupants. This is in contrast to the noise factor in apartments that are occupied places of residence.

In order to give residents of apartment buildings choices, it is my view that each Body Corporate should have to right to make decisions on its own STRA position. Decisions could be based on special resolutions that are backed by 75% of the members of the Body Corporate.

Nicole (Nicky) Solomon
61/299 Forbes St
Darlinghurst 2010
Ph: 0414 518699

From: Nicole Dallas <nikkidallas7@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Nicole Dallas
40 The Wool Rd
Basin View, Nsw 2540

From: Nicole Dehn <nikkidehn@hotmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Nicole Dehn
17 Fletcher St
Nulkaba, Nsw 2325

From: Nicole Lenoir-Jourdan <nicole@fivestarpr.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 need this income to pay my 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.

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Regards,
Nicole Lenoir-Jourdan
53 Wharf Rd
Gladesville, Nsw 2111

From: Nicole Shelley <nicole@myloinvest.com.au>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 provides me with additional income. And it also support local small business owners I hire. They are my cleaners, gardeners, Handyman etc.

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.

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Thank you for reading my submission.

Regards,
Nicole Shelley
321 Edgecliff Rd
Woollahra, Nsw 2025

From: Nicole Shelley <nicole@myloinvest.com.au>
Sent: Thursday, 5 September 2019 6:20 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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 homeowners of the choice of how to use their property.

Regards,

Nicole Shelley.

Owner of Property in Newcastle east NSW.

From: Nicole Valmont <nvalmont@kpmg.com.au>
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 I need to supplement my income, and I pay taxes on my earnings.

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.

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Thank you for reading my submission.

Regards,
Nicole Valmont
50 Shirley Rd
Wollstonecraft, Nsw 2065

From: Nigel Brown <browns1252@bigpond.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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Regards,
Nigel Brown
302 Promised Land Rd
Gleniffer, Nsw 2454

From: Ninna Douglas <denaus@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
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Categories: Rob submission, Air BNB run

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Regards,
Ninna Douglas
1087 Duncans Creek Rd
Woolomin, Nsw 2340

From: Nisha Jyoti <nishajoti@yahoo.co.nz>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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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.

Regards,
Nisha Jyoti
58 Capricorn Rd
Kings Langley, Nsw 2147

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 4:07 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 16:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Noel

Last name

Honeybrook

Name withheld

No

Info

Email

noel.honeybrook@gmail.com

Suburb/Town & Postcode

Norah Head

Submission

Submission regarding proposed changes to legislation outlined in the Government papers:
Short Term Rental Accommodation Businesses operating in Residential zoned areas.

Dear Sir / Madam

The recent decision of our Council to reject an application for STRA has greatly improved the amenity of our neighbourhood and I thank the Council for their decision.

The worry of STRA visitors' behaviour in not considering neighbours has gone since the Council's decision. Neighbours in the past have had to tolerate inconsiderate and badly behaved visitors, the main issue being the loud noise until early hours of the morning. Visitors are just there to party! They have scant regard for the immediate residents.

It should not be up to residents to fix the problems. The owner can earn \$1000 per night whilst sleeping peacefully somewhere and the residents in surrounding homes of the STRA lie awake with noise.

I hope that the Central Coast Region is included in the Greater Sydney Region and therefore that the decision by Council in rejecting the STRA application is upheld.

Yours faithfully
Noel

I agree to the above statement
Yes

Comment on 'A New Regulatory Framework', an August 2019 NSW Government Discussion Paper on Short-Term Rental Accommodation (STRA)

Noel Robinson, Darlinghurst, 2010.

07 September 2019

I have read 'A New Regulatory Framework', the August 2019 NSW Government Discussion Paper on Short-Term Rental Accommodation (STRA), along with other relevant documents:

- Draft SEPP for STRA 2019
- Draft Code of Conduct for the STRA Industry
- Draft Fair Trading Amendment: Code of Conduct for STRA Industry Regulation 2019
- Draft Environmental Planning and Assessment STRA Regulation 2019
- Draft STRA Fire Safety Standard

My main interest in the proposed Regulatory Framework is to see what control Owners Corporations are given over both owners and tenants where apartments are used as STRA.

The following questions do not appear to have been answered in the above documents:

1. Who will certify that an apartment has been upgraded and is compliant with the *Short-term Rental Accommodation Fire Safety Standard*: the Local Council, or some other certifying body?
2. Will annual certification of fire detection and prevention systems of STRA be required, in line with annual Fire Safety Certification of an apartment building?
3. If not annually, how often will STRA re-certification be required?
4. Who will enforce ongoing compliance: a Local Council, or some other certifying body?
5. Will an 'STRA Occupancy Certificate of Compliance' (or similar) be issued to an STRA owner?
6. Will a copy of that Compliance Certificate be issued concurrently to an Owners Corporation?
7. If not, what rights will an Owners Corporation have to obtain verification that an apartment used for STRA is compliant?
8. What impact will STRA have on Strata Insurance that specifically excludes STRA?
9. If an Owners Corporation's Strata Insurance increases as a result of certain apartments being allowed for STRA, will the Owners Corporation be permitted to pass on those increased costs only to those STRA owners?
10. What powers will an Owners Corporation have to enter an apartment that is believed to be non-compliant?
11. If an apartment is let as STRA but is found to be non-compliant, other than 'Lodging a Complaint' with the Commissioner, what other powers will an Owners Corporation have to prevent ongoing STRA occupancy?

Comment on 'A New Regulatory Framework', an August 2019 NSW Government Discussion Paper on Short-Term Rental Accommodation (STRA)

Noel Robinson, Darlinghurst, 2010.

07 September 2019

12. The Draft Code of Conduct for the STRA Industry says:

5.4.8: A host must give the owners corporation for the premises ... 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.

Is Clause 5.4.8 the only regulation that requires an owner to notify Owners Corporations that an apartment is being used for STRA?

(If so, the clause seems to be far from adequate.)

13. The Draft Code of Conduct for the STRA Industry says:

5.4.4: A host, or the host's authorised representative, must be contactable within ordinary hours to manage guests, the premises, neighbourhood complaints and other issues related to use of the premises for short-term rental accommodation.

5.4.5: A host, or the host's authorised representative, must be contactable outside ordinary hours to deal with emergencies.

5.4.8: A host must give the owners corporation for the premises ... 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.

5.5.2: Obligations to Neighbours (An extensive list)

What IMMEDIATE REMEDY is available to an Owners Corporation if any of the above provisions are not met, other than 'Lodging a Complaint' with the Commissioner?

CONCLUSION:

STRA has already created numerous problems in strata living. The Draft Framework, however, seems to offer little remedy to Owners Corporations looking for greater control over uncooperative STRA owners or tenants. New Fire Safety Standards introduce further onerous compliance responsibilities that will be cumbersome for Owners Corporations to enforce.

A laborious drawn-out Warning / Direction / Record of Strike / Record of Exclusion complaints process through the Commissioner will be no benefit whatsoever to an Owners Corporation faced with obvious breaches in the Code of Conduct or when permanent residents in an apartment complex are simply being inconvenienced by unruly or inconsiderate STRA tenants. Such a cumbersome complaints process - or reliance on a Court Order under Section 54D of the Act - will give Owners Corporations no confidence that STRA can be effectively policed or controlled.

Regards

Noel Robinson

Darlinghurst NSW 2010

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 8:33 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sat, 07/09/2019 - 08:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Noel

Last name

Robinson

Name withheld

No

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Email

n_robinson@ozemail.com.au

Suburb/Town & Postcode

Darlinghurst 2010

Submission file

[noel-robinson---20190907-comment-on-draft-str-regulatory-framework.pdf](#)

Submission

Please refer to attachment for text of 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 11:58 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 11:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Norelle

Last name

Feehan

Name withheld

No

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norelle@feehanpr.com

Suburb/Town & Postcode

DARLINGHURST, NSW, 2010

Submission

Reducing housing for short-term rental is critical for neighbourly communities.

It is not about caring about 'party houses' it is about allowing our citizens a place to live. Families, workers, students all need housing that allows them to feel settled in their communities without fear of being moved on ... short-term renting in premises meant as homes, is unacceptable for civilised societies.

I agree to the above statement

Yes

NORTH CRONULLA PRECINCT COMMITTEE

Residents' issues in North Cronulla, South Cronulla & Woollooware

9th September 2019

NSW Dept of Planning

SHORT TERM RENTAL ACCOMMODATION (STRA) NSW LEGISLATION SUBMISSION

The Precinct Committee makes the following comments on the discussion paper and attachments.

NO PROTECTION FOR DETACHED HOUSING – ADJOINING NEIGHBOURS

There is a lack of equity in the relative rights of strata title owners and individual single dwelling residents. Under the proposed legislation and regulatory regimes, strata title owners can, by a majority vote of the corporate body (75% of those present at the relevant meeting), prohibit the STRA Operations within the building, other than when it is a unit occupied by the owner.

The owner of residential houses have no such right of veto. The rules should be the same for all owners. This could be corrected by allowing a 75% majority of nearby neighbours to prohibit STRA operations within their street or zone. If there is any doubt about how this could be done, given that home owners do not live in one building, the right of veto could be allowed to a majority of the closest neighbours to the property - say the nearest 15 or 20 neighbourhood houses.

Neighbours of detached dwellings around a STRA would be more adversely affected by noise and other issues than home units on levels below or above the STRA property.

LARGE NUMBER OF DAYS OFFERED TO AIRBNB OPERATIONS IN NSW BY THIS LEGISLATION

The legislation on STRA offers AirBNB style accommodation **up to 365 days a year** when the host is on site during the letting or 180 days when host is not on site.

Sydney has a population of around 5 million, larger than Paris, Berlin, Vienna, Barcelona and other cities listed. It is worth noting the limits on AirBNB operations set by major international cities:

- **New York (20 million)** – advertising an unoccupied apartment for less than **30 days** is **illegal**. (IE No host, no short term lettings).
- **London (8.8 million)** STHL (STRA) is allowed for up to a total of **90** nights in any calendar year.
- **Berlin (3.7 million)** it is **illegal** to let more than **50%** of an apartment on a short-term basis **without a permit** from the city.
- **Paris (2.5 million)** - **authorisation** is required for STHL (STRA) longer than 120 days
- **Vienna (1.9 million) and in Barcelona (1.6 million)**, most short term rentals are **barred**.
- **San Francisco (900,000)** - STHL (STRA) defined as a rental of all or some of the primary residential unit for **less than 30** consecutive nights.
- **Vancouver (650,000)** - require a **business license** for anyone doing short-term rentals.

NSW should allow no more than 180 days under any circumstances and, as mentioned hereunder, allow up to only 90 days in certain circumstances.

A “**host**” can be an owner, **an agent for the owner, or even a tenant**. When booking a house it is highly uncommon for a host to be on site. Keys are handed over by an owner or agent and often it's the cleaners that arrive at your designated time of departure.

The rationale for the STRA to be allowed for 365 days a year when the host is present is difficult to understand and if this is to be allowed, it should only be when the Host is the owner and lives in the property.

A host should provide contact details to all nearby home owners, not simply the adjoining ones.

PROVISION FOR A 90 DAY LIMIT ON STRA

It has been noted from the background notes that Byron Shire Council was offered to prepare a planning proposal that could introduce a 90 day threshold in the most impacted towns of the local Government area. It is not clear from the discussion paper what the outcome from this has been.

The reasons for the offer to Byron Council are understood but it is not considered that there are sound grounds for making such an offer to one council only. It is believed that a 90 day rule should be applied across the state for all areas/zones nominated by the relevant council. Such an arrangement would help to reduce the adverse impacts of STHL on neighbourhood amenity, noise, and anti social behaviour, excessive people and vehicular traffic, parking issues, problems with garbage etc.

It would also help to reduce the adverse impacts of STRA on permanent housing rental availability and adverse impacts on motel/hotel accommodation industries.

“PARTY HOUSES”

In Qld the Sustainable Planning Act enables a local planning scheme to declare that a “Party House” may be “assessable development” requiring approval and restricting “Party houses” to particular precincts and or ban them from others. Similar protections should be provided for in NSW.

STRIKES INITIATED BY SURROUNDING HOME OWNERS OF DETACHED HOUSING. –

This is extremely difficult to see how it would work in practice. Apart from calling police, who are often not available for this type of call out, it is extremely hard to prove, under strong privacy laws, what is actually taking place within the STRA.

LEGISLATION FOR BUSINESSES OPERATING AS BED AND BREAKFAST.

It is understood that strict licensing and other rules and regulations are in place for traditional Bed and Breakfast establishments and it is not clear why similar controls have not been put in place for STRA establishments.

Yours sincerely

Kerry Coomes

President

Marilyn Urch

Secretary 0438373620

Email: northcronullaprecinctcommittee@bigpond.com

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 9:57 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

Submitted on Wed, 11/09/2019 - 21:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

MARILYN

Last name

URCH

Name withheld

No

Info

Email

marilyn.urch@bigpond.com

Suburb/Town & Postcode

CRONULLA

Submission file

[final-10th-sept-submission-to-dept-of-planning-nsw-re-short-term-holiday-legislation-from-north-cronulla-precinct-committee.docx](#)

Submission

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It is understood that strict licensing and other rules and regulations are in place for traditional Bed and Breakfast establishments and it is not clear why similar controls have not been put in place for STRA establishments.

Yours sincerely

Kerry Coomes Marilyn Urch
President Secretary 0438373620
Email: northcronullaprecinctcommittee@bigpond.com

I agree to the above statement

Yes



northern
beaches
council

13 September 2019

Ms Yolande Miller
Senior Planner
Sydney Region East
Department of Planning Industry and Environment
Level 24, 320 Pitt Street
SYDNEY NSW 2001

Our Ref: 2019/518980

Dear Ms Miller

**Submission from Northern Beaches Council
Short Term Residential Accommodation Policy and Framework**

Thank you for the opportunity to provide a submission to the NSW Governments proposed new regulatory framework for Short Term Rental Accommodation.

Council acknowledges that continued collaboration between State and Local government is important in the development and delivery of suitable planning policy for the management of this complex industry. Please find attached the submission from Northern Beaches Council. Please note that this submission has not been endorsed by the elected Council.

Should you require any further information or assistance in this matter, please contact Andrew Pigott, Executive Manager Strategic & Place Planning on 9942 2710.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ray Brownlee'.

Ray Brownlee PSM
Chief Executive Officer

Short-term Rental Accommodation Policy and Framework

Submission by Northern Beaches Council – September 2019

Northern Beaches Council appreciates the opportunity for continued involvement in the development of planning policy and regulatory framework for short-term rental accommodation (STRA). The following submission is additional to, and is intended to be read in conjunction with, Council's previous submission made in November 2018.

Note: This submission has been prepared by Council staff and has not been endorsed by Council.

Policy-Specific Comments

STRA Property Register

Council strongly supports the introduction of a STRA Property Register. The *State Environmental Planning Policy (Short-Term Rental Accommodation) 2019* (SEPP (STRA) 2019) should not become operational until such time as both the STRA Property Register and the Code of Conduct for the Short-term Rental Accommodation Industry become operational, to ensure a co-ordinated introduction of the pieces of the framework.

The Property Register must be mandatory. That is, no property shall operate lawfully under SEPP (STRA) 2019 unless it is a registered property. The scope and quality of the data held in the register is of high importance to the success of the regulatory framework. Amongst other matters, property registration must include evidence that both the property and the activity:

- Meet all the general requirements for exempt and complying development set out in Part 2 of SEPP (STRA) 2019; and
- Meet all of the short-term rental accommodation – specific development controls, set out in Part 3 Divisions 1 & 2 of SEPP (STRA) 2019. With respect to Part 3, Division 2, the evidence should include a copy of the Complying Development Certificate for the development.

The Register must:

- Be kept up to date through regular re-verification demonstrating that the property continues to meet the above requirements. Such matters as bush fire prone land and flood affectation may change over time.
- Keep a cumulative record that is live and current of the number of days per year that the registered property is let, to facilitate determination of whether the use is being lawfully operated under the SEPP.
- Include verification by person lodging the registration that the information is truthful and correct.
- The Register must be freely accessible (at no cost) and in a timely manner to all relevant government agencies and regulatory authorities. This must include compliance officers of councils, as investigation of complaints and addressing compliance with the SEPP is likely to fall to them in the first instance.
- The register should be open to an appropriate representative of Body Corporates of Strata Schemes to assist with monitoring activities and managing internal complaints.

Access to data + monitor and review of policy

It will be important to monitor and review the policy on an on-going basis. Ready access to data in relation to STRA industry is important to councils to allow more accurate monitoring of visitation

levels, management of local impacts and justification for funding of tourism services (expanding visitor nights is a key metric for Destination NSW funding). To this end, the Register should capture length of stay and origin of visitors by postcode and country.

Draft Code of Conduct for the Short-term Rental Accommodation Industry

The Code of Conduct should include a requirement that the owner (or a party authorised to act on the owners behalf) is responsible for registering the premises on the STRA Property Register. Registration of the property is to be accompanied by a signed agreement, acknowledging that the owner or host (and their booking platform or letting agent) agrees to abide by the Code of Conduct. Similarly, guests should be required, through the letting agreement, to sign an agreement acknowledging their agreement to abide by the Code of Conduct. The Code of Conduct is to be made available to guests in all registered properties.

Some specific issues are raised:

- The Code of Conduct should be closely proof-read, as it contains inconsistencies and errors in grammar and punctuation.
- Part 3 Definitions: It is recommended the definition of 'host' refer to the definition under the SEPP (STRA) 2019 for consistency.
- Part 3 Definitions: The definition of 'short-term rental accommodation' refers to the *State Environmental Planning Policy (Short-term Rental Accommodation) 2018*. This should be amended to **2019**.

Draft SEPP (Short-Term Rental Accommodation) 2019

Council is concerned that the various pieces of the STRA Framework operate without connectivity to the other parts. Council suggests that the SEPP should include a 'link' to the STRA Property Register requiring registration of the property as a pre-condition to undertaking short-term rental accommodation under the SEPP. That is, unless the property is registered, the use will be unlawful.

The Explanation of Intended Effects (STRA), dated October/November 2018 states, at page 10, that some forms of affordable rental housing approved under SEPP (Affordable Rental Housing) 2009 and SEPP No. 70 Affordable Housing (Revised Schemes) will be excluded by SEPP (STRA) 2019 as these policies are aimed at increasing affordable rental housing for long term use. Whilst the SEPP (STRA) 2019 precludes certain forms of housing from its operation (at Clauses 9 and 10), it does not exclude all housing that has been approved under these SEPPs. All housing developed under affordable housing SEPPs should be excluded from the operation of SEPP (STRA) 2019, in order to preserve its use as affordable long-term rental use. Clauses 9 and 10 could address this issue. Verification that the property meets this requirement could be a component of the property registration process.

Council notes that the Discussion Paper (August 2019), at page 6, recognises Planning for Bush Fire Protection 2006 (PBP 2006) is currently under review. Council strongly supports ensuring that SEPP (STRA) 2019 Part 3 Division 2 is updated for consistency with the most recent planning for bushfire requirements.

Some specific issues are raised:

- Part 1 Clause 4(2): Clear definitions of 'temporary', 'short-term', and 'premises' are required.
- Part 1 Clause 4(2): Part (b) of the definition of 'short-term rental accommodation' under the SEPP (STRA) 2019 should include a note identifying that the uses listed are defined as per the *Standard Instrument – Principal Local Environmental Plan*.

- Part 2 Clause 9(2)(b): A note identifying that the uses listed are defined as per the *Standard Instrument – Principal Local Environmental Plan* should be included.
- Part 2 Clause 10(2)(c): A note identifying that the uses listed are defined as per the *Standard Instrument – Principal Local Environmental Plan* should be included.
- Part 2 Clause 10(2)(d): This subclause should be amended as follows in **bold**:
 (d) *the development must not cause the contravention of any existing condition of the most recent development consent (if any) that applies to the premises relating to car parking, loading, vehicular movement, waste management or landscaping.*
- Part 3 Clause 12(d) and (e): Why are these matters applicable to non-hosted STRA, but not hosted STRA?
- Schedule 1 Amendment of Environmental Planning Instruments, Clause 1.7 Pittwater Local Environmental Plan 2014, requires an additional component being the deletion of the definition of **short term holiday rental accommodation**, from the Dictionary to the LEP.

Short Term Rental Accommodation Fire Safety Standard

The proposed fire measures for the 1a dwelling houses wanting to operate as an AirBnB are similar to a 1b. Also many existing Class 2 buildings may need fire upgrading.

The fire requirements for dwellings for short-term accommodation may need formal approval, where the dwelling's classification under the Building Code of Australia is perceived as changing. In addition, the existing dwelling may require a fire safety upgrade.

In the instance where the dwelling has changed classification, the dwelling/building is required to have a fire safety schedule and owners have a legislative obligation to provide Council and FRNSW a fire safety statement annually to ensure the fire safety measures are being maintained and inspected to the relevant Australian Standards. All properties are added to Council's fire safety register to ensure that building owners meet their obligations. If all registered premises need to provide annual certification and be on Council's Fire Safety Measures Register, additional Council staff will be required to adequately manage and investigate fire safety matters.

Some specific issues are raised:

- The Standard should be closely proof-read, as it contains inconsistencies and errors in grammar and punctuation.
- The Standard refers to the *State Environmental Planning Policy (Short-term Rental Accommodation) 2018* on several occasions. This should be amended to **2019**.

General Comments

STRA benefits

STRA can benefit the Northern Beaches by increasing capacity to accommodate visitors which is particularly relevant for the LGA as it is a high visitation region with low levels of commercial accommodation. Increased visitor spend has benefits to our local businesses and community by improving the vibrancy of our centres and increasing the diversity of restaurants, bars and recreation activities on offer.

Visiting friends and relatives are the largest category of visitors to the Northern Beaches at 51% and average length of stay for this group is 15.7 days (international). Short term rental accommodation enables friends and relatives to find nearby accommodation which reduces traffic congestion and social impacts.

Impact on availability of housing stock + Manage Seasonality + Support local character

There is growing evidence that the expansion of STRA is affecting the affordability and availability of long-term rental accommodation. It is increasingly evident that many parts of Sydney are experiencing increased housing pressure similar to that documented in relation to international cities. The proposed framework does not attempt to acknowledge or manage the loss of housing stock for Sydney's long term housing needs.

The NSW Government continues to require all councils across the Greater Sydney Region to fulfil targets for increasing housing stock to accommodate Sydney's future growth. The Government should acknowledge that STRA is in greater demand in some areas and less in others. Hence, those LGAs more affected by the demand for STRA should be able to tailor the application of the new SEPP (STRA) 2019 more closely to align with the competing pressures for tourism and STRA, local economy and long term housing needs. The framework should be open to allowing councils to research appropriate locations for STRA, and apply to the Department of Planning, Industry and Environment to amend the SEPP (STRA) 2019 to alter letting day limits or to define specific locations that are suitable for STRA.

The flexibility to manage STRA at a local level would have further benefits in enabling Northern Beaches Council to manage seasonal challenges (within both the visitor economy and rental markets) and to manage the unique character and sense of community in our neighbourhoods. The visitor economy across the Northern Beaches is highly seasonal due to our coastal location which has many negative impacts on the housing rental market and on local businesses, this is particularly noticeable in Manly.

The current proposed limits of 180 days per year where there is no live-in host will only exacerbate these existing seasonality issues for both the tourism economy and the rental market by reducing STRA stock in winter. Current patterns see investors seeking premium STRA rates in summer and then flooding the rental market with 6 month leases after the Easter long weekend when visitation rates drop off. This leads to instability in the local rental market and reduces STRA stock over winter.

Allowing councils to set localised limits would enable Northern Beaches to encourage STRA to continue throughout winter with 365 day limits in high-visitation neighbourhoods (such as Manly CBD) thereby encouraging year-round visitation, and providing stability for businesses and support for vibrancy in the heart of Manly. This would also allow Council to support more stable rental supply and residential amenity for longer term residents in nearby neighbourhoods (Eastern Hill, Fairlight etc.) by restricting STRA to shorter periods of the year (eg. 30 days) to discourage commercial operators while allowing residents to rent out properties when they go on holidays.

Operation of the various parts of the framework

There are multiple elements to the proposed framework and it is difficult to see how these connect so that all parties that have an interest in the industry are aware of the operation of all parts of the framework and of their various responsibilities. Some links are addressed via notes within the SEPP (STRA) 2019. However, a public information program may be helpful in ensuring that parties who own, host or otherwise act on the behalf of owners, are aware of the proposed changes in the industry and are aware of the multiple regulatory aspects associated with the land use/ activity. In particular, Council is of the view that registration of STRA properties and industry operator agreement to, and acceptance of, the Code of Conduct should be mandatory to ensure that all parties are aware of their responsibilities.

Compliance matters

Council's Environmental Compliance division does not currently have delegation to act under the *Fair Trading Act 1987* to which the Code of Conduct applies. It seems that Council's role will be to assess whether a property requires consent or is exempt under the SEPP. However, there is no clear obligation on hosts to prove that use of a premises is lawful under the SEPP (STRA) 2019 in relation to the 180-day or 21-day provisions. It is recommended that an additional provision under

Section 5 of the Code of Conduct be included to require owners to maintain accurate records of the property's short term rental use, to assist in regulation of the STRA use.

In instances where a host does not use a booking platform to rent the premises (such as via 'word of mouth'), the Code of Conduct and the exclusion register are less effective, as these rental agreements are not necessarily captured. In these circumstances, it is difficult to determine whether a breach has occurred (i.e. whether the property is being used for short-term rental accommodation). Council does not have access to tax records to assist in substantiating these claims.

More information is required in relation to investigation of compliance with the SEPP (STRA) 2019. Detail should be provided in relation to a number of issues, including (but not limited to) who will be approved to adjudicate compliance matters relating to the SEPP (STRA) 2019, how those individuals will be appointed, the powers the individuals will be granted, whether those individuals will have access to records of offending hosts, whether Council will be notified of offending hosts, and whether booking platforms will employ standardised checks for hosts.

From: Simon Moore <Simon.Moore@australianbusiness.com.au>
Sent: Wednesday, 11 September 2019 11:25 AM
To: DPE PS STHL Mailbox
Subject: NSW Business Chamber submission - draft
Attachments: STRA submission (draft 11.09.19).docx

Dear Susie,

As discussed by phone, please find attached the NSW Business Chamber submission to the consultation on short term rental accommodation regulations. This is a draft version of the submission, pending some final inputs from our membership. We should have a finalised version available by the end of the day on Friday.

Many thanks,

Simon Moore

Simon Moore

Policy Manager, Infrastructure, NSW Business Chamber

North Sydney NSW 2060

Tel: 02 9458 7008 | Mob: 0415 819 091 | Web: www.nswbusinesschamber.com.au
[Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)



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5 September 2019

NSW Department of Planning, Industry and Environment
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SYDNEY NSW 2000

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140 Arthur Street
North Sydney NSW 2060
Postal address
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North Sydney NSW 2059
t 13 26 96
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e businesshotline@nswbc.com.au

To Whom It May Concern

New regulatory framework for short-term rental accommodation (STRA)

The NSW Business Chamber ("the Chamber") welcomes the opportunity to make a submission on the new regulatory framework for short-term rental accommodation (STRA)

As you may be aware, the NSW Business Chamber ("the Chamber") is one of Australia's largest business support groups, with a direct membership of more than 20,000 businesses, providing services to over 30,000 businesses each year and supported by a dedicated Tourism Industry Division ("the Division").

The Division helps businesses operating in the Visitor Economy maximise their potential to ensure New South Wales remains the number one tourism destination in Australia. With over 96,302 tourism businesses in New South Wales generating more than 278,000 jobs and \$42.5 Billion in consumption, tourism is a vital sector of the New South Wales economy.

Provided below are responses to requests for information in response to the proposed framework.

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

The Chamber supports the introduction of the new framework as it applies to the planning instruments.

Occupiers of premises situated in bush-fire prone and/or flood-prone areas are clearly exposed to a greater risk of personal injury than occupiers of premises located outside those areas.

If premises located within those areas are to be used as short-term rental accommodation, it makes sense to both require the premises to adhere to higher safety standards and embed those requirements into the complying development regime (as opposed to treating the intended use as an exempt development).

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

Under section 137A of the *Strata Schemes Management Act 2015*, owners not wanting their building to be used for short-term rental accommodation are powerless to prevent others in their building who use their lot as their principal place of residence from entering into short-term rental accommodation arrangements.

The draft consultation instruments do not make it clear who is required to bear the costs involved in ensuring the building complies with the additional safety measures required under the *Short-term Rental Accommodation Fire Safety Standard*.

Recommendation 1

That the *Strata Schemes Management Act 2015* be amended to include a mechanism allowing a body corporate to decide whether or not the costs of ensuring a building complies with the short-term rental accommodation regulatory framework should be borne by the body corporate as a whole or by only those owners whose lots are to be used as short-term rental accommodation pursuant to Division 4A of the *Fair Trading Act 1987*.

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

In relation to the new policy elements relating to days, flood control lots and bushfire prone land, the Chamber wishes to make the following recommendation.

Recommendation 2

Evidence relating to the effectiveness of the measures introduced to enhance safety and protect communities from anti-social behaviour should be collected and considered in preparation for each review of this framework.

Code of Conduct and supporting Amendment Regulation

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?

Despite its current pervasiveness, information about the economic and social impact of STR is limited. At a localised level, most evidence is anecdotal.ⁱ

Website InsideAirbnbⁱⁱ is one of the most significant sources of information on Airbnb specifically. It suggests that Airbnb is concentrated in particular neighbourhoods and that most listings are for entire homes.

However, it is difficult from this data to establish to what degree it is impacting on other accommodation operators or on the community at large.

At the 2016 Parliamentary Inquiryⁱⁱⁱ, a number of councils suggested that despite official statistics indicating that tourist numbers were declining in a particular area, anecdotal evidence was suggesting the opposite, as official statistics tend to focus on traditional forms of accommodation and therefore miss non-traditional, short-term rentals. As official statistics guide tourism investment decisions, this lack of data is highly concerning in terms of developing and supporting future growth of tourism. To further confuse things, the trend of recent National Visitor Survey results in NSW have shown strong overnight growth. A more robust data set that better captures all visitation will help ensure both policy development and further investment can occur in a structured manner.

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 our previous submission^{iv}, the Chamber recognised the appropriateness of an “industry wide code to specify circumstances where an STR operator (or guest) may be banned from platforms”. The Chamber agrees with the proposed obligations to implement an industry wide Code. For the Code to be successful, however, compliance and enforcement measures (including penalties) are critical to ensure its objectives.

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?

When considering how ‘strikes’ are recorded against particular owners and/or premises, we encourage the Commissioner to consider the method for de-registering strikes alongside the method for recording them. We agree with the proposed method, that strikes be recorded against individuals or companies rather than properties in the preferred model. However, the Discussion Paper notes some circumstances in which strikes might be recorded against a combination of host and property. In these instances, the Commissioner should be mindful of how easy it can be made to de-record properties from the strike register when their ownership changes. If a property previously controlled by an owner with a recorded strike (or with a strike recorded against the property specifically) changes ownership, it should be administratively simple and cost free for the new owner to release the property from the strike register.

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

In order to avoid the Code cost recovery fees at a negligible rate, the Government should strive for administrative simplicity. While it is unclear from the Discussion Paper what government currently expects the cost of administering the register to be, the Chamber believes a target of keeping STRA fees below the rate of \$1 per guest per room (or equivalent) would be appropriate. This rate would be commensurate with similar fees levied in other locations, without adding a significant obstacle to the competitiveness of STRA providers. If Government predicts costs for administering and enforcing the code would exceed this cost threshold, then an outline of where these expenses are expected to be incurred along with a description of these expenses should be provided for public comment and consideration.

Proposed industry-led STRA property register

The Chamber supports the development of an industry-led STRA register. The register has the potential to fulfil objectives relating to compliance and enforcement, and simultaneously improve the quality of information available to Councils and other stakeholders in relation to the STRA sector. The Chamber does not, however, support the publication of the register and supports restricting access to relevant stakeholders (councils, STRA platforms, etc.)

The Chamber's preferred structure would be for hosts to be responsible for registering themselves at the point at which a new property is made available for short-term rental (or when the register is introduced). Ideally, the information requirements and administrative processes will be simple enough that the registration can be integrated into online platforms' registration processes.

STRA hosts or agents who do not use online platforms are likely to be difficult to register in a systematic way. In the absence of comprehensive data on the STRA sector, it is impossible to judge how large a proportion of STRA they account for – anecdotally, though, this seems to be a small and shrinking proportion of the sector. Focusing resources on online platform driven registration will capture the vast majority of hosts/properties. It may be possible to work with the accommodation platforms (Airbnb) and have them require/incentivise a property registration ID be included in a property's listing, or a notation in the listing that there is no registration ID. This would help provide a consumer "push" to registration, assuming consumers would prefer to stay at a registered property.

Additional matters

While the ongoing development of regulation covers the STRA sector specifically, the Chamber encourages the Department to review regulation currently governing traditional accommodation providers. Levelling the playing field of regulatory burden between STRA and traditional accommodation should not solely involve adding requirements for STRA operators, but should seek out areas where traditional accommodation regulation is unduly strenuous.

The STHL regulatory framework should be progressed in a short timeframe. The full suite of elements forming any new framework should be in place by 2020 (and ideally commence together). Any STHL regulatory framework should be reviewed after 12 or 24 months.

Should you require any additional information on any of the matters raised in this submission, please do not hesitate to contact me.

Yours sincerely

Simon Moore
Policy Manager, Infrastructure

ⁱ https://www.nswbusinesschamber.com.au/NSWBC/media/Policy/171026-Submission-Tourism-Industry-Division-Short-Term-Holiday-Letting_1.pdf

ⁱⁱ <http://insideairbnb.com>

ⁱⁱⁱ At 1.69:

<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6080/Final%20Report%20-%20Adequacy%20of%20the%20Regulation%20of%20Short-Term%20Holiday%20Letting%20in%20New%20South%20Wales.pdf>

^{iv} https://www.nswbusinesschamber.com.au/NSWBC/media/Policy/171026-Submission-Tourism-Industry-Division-Short-Term-Holiday-Letting_1.pdf

From: Sandy Leask <Sandy.Leask@health.nsw.gov.au>
Sent: Monday, 16 September 2019 3:23 PM
To: DPE PS STHL Mailbox
Cc: Katrina Wall; Paul Byleveld
Subject: FW: NSW Health submission on short-term rental accommodation reform

Good afternoon

Please find below NSW Health's submission to the short term rental accommodation reform:

Short-term rental accommodation have obligations to comply with the *Public Health Act* 2010 under the following divisions:

Division 1 Safety measures for drinking water, where the accommodation does not receive drinking water from a reticulated town supply and as such is considered a private water supply. Private water supplies are required to have and comply with a drinking water quality assurance program that complies with the requirements of the Public Health Regulation 2012. Penalties may apply if the requirements are not followed.

Division 3 Control of public swimming pools and spa pools where swimming pools and/or spas pools are provided for use by guests. Swimming pools or spas are captured by *Public Health Act* 2010 requirements if they are provided at a hotel, motel or guest house or at holiday units, or similar facility, for the use of guests. Swimming pools and spas have operating and maintenance requirements prescribed by the Public Health Regulation 2012. Penalties may apply if the requirements are not followed.

NSW Health requests that the Code of Conduct should note the separate obligations relating in Public Health Legislation, so that hosts are made aware of the requirements.

The requirements should not be included in the Code of Conduct.

Please call me if you would like to discuss this submission.

Regards

Sandy

Sandy Leask

A/Manager, Water Unit

Environmental Health Branch

NSW Health

Street Address - 100 Christie St ST LEONARDS 2065

Postal Address - Locked Mail Bag 961 NORTH SYDNEY NSW 2059

Tel. 02 9391 9893 | Fax. 02 9391 9960 | Mob. 0402 703 928 | sandy.leask@health.nsw.gov.au

<http://www.health.nsw.gov.au/environment/water/Pages/default.aspx>

Water Unit on-call 02 9391 9939 | 0491 227 423

From: Paul Byleveld
Sent: Wednesday, 11 September 2019 3:37 PM
To: sth1@planning.nsw.gov.au
Cc: Katrina Wall <Katrina.Wall@health.nsw.gov.au>
Subject: NSW Health submission on short-term rental accommodation reform

Good afternoon

NSW Health intends to make a submission on short-term rental accommodation with respect to swimming pools and private water supplies (for premises that do not have a public drinking water supply).

The submission is pending approval. I expect that we will submit tomorrow.

Please call me or email if you wish to discuss.

Kind regards Paul

Dr Paul Byleveld PSM

Manager Water Unit | **Environmental Health Branch** | **NSW Health**
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Tel. 02 9391 9835 | Fax. 02 9391 9960 | Mob. 0411 264 070 | paul.byleveld@health.nsw.gov.au
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Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

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A/Manager, Water Unit

Environmental Health Branch

NSW Health

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11 September 2019

Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

By online submission

Dear Sir/Madam,

Submission addressing the *Short-Term Rental Accommodation* Discussion Paper

NSW Land Registry Services (NSW LRS) appreciate the opportunity to make a submission on the issues raised in the *Short-Term Rental Accommodation: A New Regulatory Framework* Discussion Paper.

NSW LRS is the operator of the state's land titling and registry operations on behalf of the NSW Government. We believe our registry expertise and existing land and property information systems could be valuable to the discussion of these reforms, particularly regarding the development and management of a short-term rental accommodation (STRA) property register.

We have set out for your review the following sections:

- Our understanding of the issues addressed in the Discussion Paper
- Our contribution to these reform discussions, and
- The potential benefits of this approach to Government, industry and community.

Our understanding of the issues

As outlined in the Discussion Paper, STRA has been the subject of discussion and consultation for several years as the NSW Government explores the best means of balancing the economic benefits and negative effects that STRA can have on property owners, neighbours and communities.

In 2018 the NSW Government announced a STRA policy to deliver this balance and bring consistency to the industry's regulation across the state. The Discussion Paper seeks feedback from the STRA industry on the proposed instruments to deliver this policy, including the proposed introduction of an industry-led STRA property register.

While the details of these reforms are not yet settled, NSW LRS is well positioned to support the creation and ongoing management of a STRA property register if desired.

Our contribution to these reform discussions

NSW LRS is the operator of a 35 year concession of land titling and registry operations under a Concession Deed on behalf of the NSW Government.

Our submission is limited to those aspects of the proposed reform instruments where NSW LRS can add to these discussions. We believe there is potential to utilise our existing land and property information systems and processes to support the development of this register.

We acknowledge that the STRA property register is proposed rather than confirmed at this time, so our contribution is general in nature while industry participants provide their input on how the register could operate.

We further recognise that the Discussion Paper recommends that industry is best placed to administer this register, as they already hold much of the information that would be included on it, and proposes that industry fund the register under the relevant legislation and instruments.

Established systems and processes to capture land and property information

Our established role in managing land title records in public registers and our services regarding the lodgment, examination and registration of land and property information – including existing data regarding strata plans and strata by-laws – could be of value to the STRA property register's introduction and ongoing management.

Should industry seek assistance in establishing the STRA property register, NSW LRS stands ready to provide more comprehensive input regarding its creation and management in line with the outcomes of this consultation.

Furthermore, NSW LRS has existing systems and structures in place to enable land and property information searches by industry participants, regulators, or the general public, should that be required to implement these reforms.

Registers we manage for Government under delegated authority

NSW LRS currently exercises delegated authorities from Government to collect and aggregate land and property information on registers. For example, we exercise delegated authority to administer select aspects of the *Water Management Act 2000* and register Water Access Licences on behalf of the Minister for Water, an arrangement which leverages our capability and capacity for effective administration and register management.

We also currently exercise delegated authority to administer the Central Register of Restrictions (CRR), a database recording potential and actual use of land by government agencies and utilities. The CRR search is typically used by a solicitor or conveyancer when assisting with a property transaction. NSW LRS maintains the CRR on behalf of participating organisations, with those organisations bearing responsibility for the information held on the CRR being current and correct. In administering the CRR, NSW LRS collects, maintains and aggregates information from multiple participating organisations and makes a service to search this information available to the general public through our network of authorised Information Brokers.

We believe either of these approaches may suit the requirements of a new STRA property register, if a register is determined as the best mechanism for data collection by Government and industry stakeholders.

NSW LRS would welcome the opportunity to provide more information on these registers and their benefits and costs to establish and maintain if it would be of value.

Data collection and data sharing services between NSW LRS and others

NSW LRS has a proven track record and existing regulated data sharing arrangements in place to provide land and property information to government agencies including Revenue NSW, Spatial Services, Crown Lands, Property NSW, Department of Planning, Industry and Environment (previously the Office of Environment and Heritage), local councils, and utilities.

Should a STRA property register be required and NSW LRS approached to establish and maintain the register, we are well-positioned to support the data sharing arrangements suggested in Figure 1 of the Discussion Paper, being between local councils (planning framework and reporting of days let data), owners corporations and/or NSW LRS (strata by-law information), NSW Fair Trading (Exclusion Register data), and NSW LRS (the STRA property register).

Appropriate regulations, authorities, and agreements would be required to facilitate any data collection and sharing arrangement.

Involvement subject to regulatory approval and suitable commercial arrangements

We note that the system regulating NSW LRS is well established through the Office of the Registrar General using the powers given to them by the *Land and Property Information NSW (Authorised Transaction) Act 2016*. This arrangement ensures that NSW LRS 'does the right thing' in our operations, execution of processes, compliance, and service pricing.

For any change to services provided by NSW LRS, in accordance with our governance arrangements we would require the involvement of the Office of the Registrar General regarding an adjustment of our existing service delivery agreement with the NSW Government to ensure that appropriate cost recovery and service delivery fees against any investment made by NSW LRS in the development and ongoing management of an STRA property register, as well as other relevant fees to reflect any additional work required to both establish and maintain new processes. Our participation would also be subject to the approval of the NSW LRS Board of Directors.

Benefits of this approach for Government, industry and the community

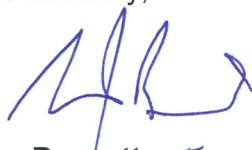
Leveraging lessons from existing land and property registry infrastructure and data delivers several benefits including:

- Well defined processes for the collection, aggregation, management and distribution of land and property information already exist with NSW LRS, should industry wish to utilise them, and
- NSW LRS can assist industry in developing the proposed register by sharing lessons learnt from other registers.

In summary, NSW LRS can work with NSW Government and STRA industry to implement the STRA property register component of these reforms and leverage the knowledge gained from our existing registers, systems and processes to deliver rapid benefit for the citizens of NSW.

We look forward to further exploring how we can work with the STRA industry and the NSW Government to implement these reforms.

Yours sincerely,



Adam Bennett
Chief Executive Officer
NSW Land Registry Services

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 3:47 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 15:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Adam

Last name

Bennett

Name withheld

No

Info

Email

adam.bennett@nswlrs.com.au

Suburb/Town & Postcode

Sydney 2000

Submission file

[nsw-lrs---short-term-rental-discussion-paper-submission---11.09.19.pdf](#)

Submission

NSW Land Registry Services appreciate the opportunity to make a submission on the issues raised in the 'Short-Term Rental Accommodation: A new regulatory framework' Discussion Paper.

Please find our submission attached.

We request that the signature within the attached submission be redacted from document published online for privacy reasons.

I agree to the above statement

Yes



Director, Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

10th September 2019

Dear Sir/Madam ,

We write to you requesting an extension to the September 11 deadline for submission of responses to the above paper as we are developing a more comprehensive paper for submission.

We, as the Strata Committee of Observatory Tower (168-170 Kent Street Millers Point), represent a high-rise CBD apartment building with over 400 residents. We are pleased that the NSW Government is working on regulations to clarify and manage oversight of Short-Term Rental Accommodation (STRA).

However, we have specific concerns in respect of high-rise apartment buildings such as ours. We are also concerned with the speed with which the changes are being pushed through given their potentially significant impact and the recent responses from government to STRA elsewhere in the world. These concerns reflect the views of a majority of owners and residents in our building. Our key concerns are as follows:

A Home not a Hotel

High-rise apartment buildings such as ours were not designed as hotels, to deal with and manage the effort, risks and costs of potentially significant numbers of short stays. We do not have the infrastructure, staffing and management expertise to deal with the challenges and risks this presents. Neither do we have the regulatory and enforcement framework to support this.

Our owner residents and long-term tenants consider the building to be their home, not a hotel or tourist resort. We have a range of residents including older people and children. They are extremely protective of common areas such as lift foyers, pools, gym and lobbies. They want to avoid disruption, mess and bad behaviour from unwanted guests.

Additional Cost Burden for Owners

Owners share the costs of running and maintaining the building and bear the burden of any additional management, maintenance and remediation costs for the common areas and building as a whole caused by increased short stays.

STRA represents a significant additional cost and effort of managing changeovers including managing access to contract cleaners, additional cleaning works and security.

Litigation and management costs can be high, and risk becoming unmanageable. The costs of failure of self-regulation fall on the strata owners first and potentially permanently. Many owners are retirees with budgets who cannot afford to sustain continued increases in their strata fees that result. Our management already makes additional effort to monitor and deal with unauthorised renters and this has the potential to increase with the changes.

Increased Security Risks

Potential security risks are enormous. Where key fobs are used, they can be easily stolen and copied. Concierges, where used, will have limited ability to identify valid renters.

It is already difficult to identify and deal with illegal renters in a large building and distinguish them from valid guests. It is often not easy to identify illegal hosts. This is made more difficult by a very loose definition of 'host' in the proposed rules.

Failure of Self-regulation

Even where buildings limit short term stays in their by-laws, overseas experience indicates that it is difficult to identify and manage illegal hosts. We have already experienced the disruption of unauthorised guests. Industry regulated schemes are proving ineffective and are being superseded by local government mechanisms.

The recent failure of self-regulation of apartment building development in NSW has left many owners in high rise strata buildings out of pocket and facing penury. Other (even unaffected) buildings are facing significant increases in strata building insurance.

As a result, apartment living is becoming devalued in NSW. Costs are going up and risks are increasing, with owners and potential owners concerned that they can no longer control what happens to their home. Many feel they can no longer afford to take the risk of apartment ownership. This is likely to impact apartment values generally in NSW. Indeed, several of our owners have already specifically stated that if short term rentals become common in our building 'they will sell'.

Recent overseas experience

The planned changes appear to be well out of step with recent overseas developments.

Recently a number of cities in Europe and the US have strengthened their laws in relation to and responses to STRA platforms following significant concerns from local residents. This has been particularly prevalent in cities popular with tourists, as Sydney is.

Overseas, similar city councils have a key role in enforcing regulations and protecting resident citizens. It is unclear why NSW is excluding Councils from much of the management and decision making. In our case, the Council of the City of Sydney plays a critical and valuable role in protecting and supporting our community and our building.

Take the time to get this right

Finally, we question the haste with which these changes are being pushed through the consultation process so quickly. It is important that owners and residents have voice in what are potentially massive changes to our daily lives. We believe this matter requires more consideration and time for input, including more background on the changes elsewhere.

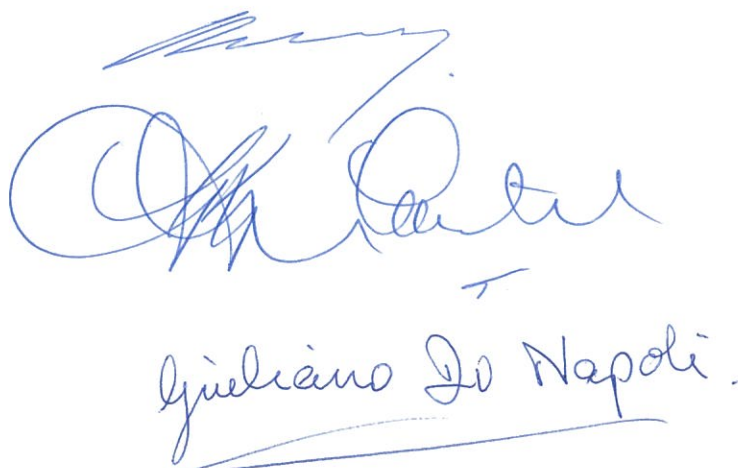
We therefore request an extension to provide the consolidated view of owners in our building. We also support the request for the extension from OCN (Owners Corporation Network) and their list of principles attached as Schedule 1.

Yours sincerely

Members: Observatory Tower Strata Committee

Attachment 1: OCN Principles supported

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.



Giuliano Di Napoli.



Galone

From: janehearn@homemail.com.au
Sent: Friday, 27 September 2019 10:01 AM
To: DPE PS STHL Mailbox
Subject: OCN submission - proposed STRA FRAMEWORK - NSW
Attachments: OCN FULL SUBMISSION DPE STRA FRAMEWORK 27092019 JH [Final].pdf

Dear Ms Chappel

Please find attached the submission from the Owners Corporation Network of Australia Pty Ltd.

The submission is lodged today as agreed with Luke Walton.

We look forward to further discussion on the Framework for NSW.

Please acknowledge receipt.

Kind regards

Jane

Jane Hearn BA LLB GAICD
Deputy Chair
OCN
M:+61 432618937

From: Oithip Sly <mimoza_mai@hotmail.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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.

Regards,
Oithip Sly
285 Katoomba St
Katoomba, Nsw 2780

From: Oliver Purser <oliverpurser@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Oliver Purser
14B Valley Ct
Ewingsdale, Nsw 2481

From: Ollie BC <ocharles221@hotmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 have chronic health problems that limit how I am able to work as I am not eligible for health benefits.

I also see first hand how local businesses are supported by my guests, especially during the week in the daytime when residents are working.

It's been an issue for a long time that there is a lack of accommodation in Sydney when popular events are on, if people have no where to stay they can't come to Sydney.

No everyone is built for backpacker accommodations.

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.

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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.

Regards,
Ollie BC
221 Darlinghurst Rd
Darlinghurst, Nsw 2010

From: Ollie Parker <ollie.parker@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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 allows me to connect with fellow travelers, help out local families, and utilise my property that otherwise would not be used.

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.

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Thank you for reading my submission.

Regards,
Ollie Parker
65 Johnston St
Annandale, NSW 2038

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 7:53 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

Submitted on Sun, 08/09/2019 - 19:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

JOHN

Last name

MCNEILL

Name withheld

No

Info

Email

cjrmcneill@bigpond.com

Suburb/Town & Postcode

2095

Submission

On behalf of The Owners - Strata Plan No. 86845

I agree to the above statement

Yes

RESPONSE TO N.S.W GOVERNMENT'S INTEGRATED STRA POLICY FRAMEWORK

We have been asked as a strata community to respond to this policy proposal, and offer the following response;

The policy errs in the following ways;

1. It ignores decisions which have already been taken by many owners in Strata schemes in developing by-laws which prohibit short term rental accommodation in their buildings. (In our case, "short-term" was defined as any stay of less than 90 days.)

These by-laws reflect the strongly- held views of the owners that STRA would potentially diminish their quality of life as resident/owners of the Corsoleil. We were dismayed to see that the new policy allows for unlimited STRA (365 days p.a.) where the host is present, and 180 days p.a., where the host is absent.

Apart from being dismissive of the opinions and rights of the owners in strata buildings, the proposal is impractical and unworkable. Who will police this policy, and how will this be done? Relying on hosts to self- report on their level of compliance is fraught with difficulty.

The proposed code of conduct suggests processes and penalties for non-compliance, but if it is not enforceable, what purpose does it serve ?

2. It does not address the many problems of STRA in strata buildings as identified by many in the industry, such as anti-social behavior by guests, extra stress on amenities, parking, garbage, etc.

The very short- term nature of STRA suggest that users of this arrangement are not generally too concerned with local domestic control mechanisms.

<p>OWNERS CORPORATION SHOULD BE ABLE TO CREATE OWN BY-LAW TO GOVERN SHORT TERM LETTING</p>

Owners in Strata buildings are the best judges of how they want THEIR building to be managed. Some might want STRA, others not, but it is deemed crucial to us that THEY make the decisions in keeping with democratic traditions, and that enforceable by-laws reflect this preference.

We urge that Government, in its deliberations, recognizes the primacy of local by-laws and rejects any attempts to impose unnecessary external controls on strata environments.

I offer this for the consideration of the Strata Committee, Corsoleil

John McNeill – Chairman Strata Plan No. 86845

8 September 2019

From: Oonagh Treble <oonagh333@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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, as an older resident and living in a regional area, I find it extremely hard to get sufficient work to pay the bills. During our peak tourist season, there is a massive demand for accommodation that can't be met without people like myself opening part of our homes to support both the tourists and local business community. I still live in the home and I am able to supervise and provide support and recommendations to my guests, who are not only very grateful, but often return and recommend our community to their friends.

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.

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Thank you for reading my submission.

Regards,
Oonagh Treble
56 Danalene Parade
Corlette, Nsw 2315

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 9:39 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 21:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Oren

Last name

Siedler

Name withheld

No

Info

Email

orensiedler@gmail.com

Suburb/Town & Postcode

2481

Submission

I am writing to support restrictions on airbnb in our shire (Byron Shire.) I believe the platform has been mis-used as its original intent was to CREATE community by enabling visitors to stay in people's homes - but instead it has ERODED our community by creating enclaves of non-permanent homes and has also contributed to the housing crisis we have whereby local residents cannot find homes to rent long term.

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 9:47 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

Submitted on Mon, 09/09/2019 - 09:46

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Owen

Last name

Lincoln

Name withheld

No

Info

Email

oweartlin@hotmail.com

Suburb/Town & Postcode

Wollongong 2500

Submission

Submission _ Short Term Rental in Strata Buildings

Sir

My submission involves personal views caused by direct impact of short term rental in my Strata complex in Wollongong.

Short term rentals are currently unfair and, in my view, completely over-whelms other owners. There are a large number of aged residents in this building who cannot speak up for themselves and are bullied by short term rentals.

AirBNB started without any consultation with residents about 2016. It was all done in secret.

Residents purchased into a secure building only to have short term rentals violate long held laws.

It involved total disregard of existing residents bylaw rights and Air BNB turned a well maintained building into their private hotel, where residents paid for the majority of upkeep.

As residents, we had no way of stopping unwanted AirBNB. We were threatened with action if we stopped AirBNB. What individual owner can stop a juggernaut like AirBNB.

In addition, AirBNB completely ignored other by laws for parking, dominating delegated visitor parking. AirBNB operators are currently using the strata fee system as their personal piggy bank to iron out fluctuations in their own income by not paying fees on the due date. One owner owed \$15k + and used the strata as fools while renting for many hundreds of dollars per night.

Also, the AirBNB uses committee time for no financial reward. If there is a violation of rules, committee members have to act on behalf of the strata. Many hours are easily consumed on matters.

The existing bylaws should have prevented AirBNB in our strata and proved ineffective and I feel any new laws will be just as ineffective.

If we have to have short term rentals there are issues need addressing:

Strict compliance to bylaws.

Late strata fees results in immediate cessation of trading. (Non payment of fees would be an immediate Strike).

Strata should be allowed to set fines or payments and amend bylaws to cater for committee time.

Strict compliance of Strata parking. (Non compliance offences result in a immediate strike).

Voting to prevent Short term rental should not require 75%. It should not be the responsibility of existing residents to vote against an unwanted Short term rentals, rather it should be up to the short term rentals to put the effort into convincing existing residents why they should be allowed to start. That puts the onus on short term rental, not existing residents.

Thank you for allowing this submission.

Owen Liincoln

I agree to the above statement

Yes

10 September 2019

NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Sir/Madam

Attention: Director, Housing and Infrastructure Policy

PRELIMINARY SUBMISSION – NSW SHORT TERM LETTING FRAMEWORK

A. INTRODUCTION

1. This is the preliminary submission of the Owners Corporation Network of Australia Ltd (OCN) in response to the NSW Government Short Term Rental Accommodation Framework Package released on 14 August 2019 for comment by 11 September 2019. The full submission will be provided by 25 September 2019.
2. OCN is the peak consumer body that represents the interests of residential apartment owners and residents in NSW. It is an association of apartment owners and owners corporations with membership across NSW. The issue of short term letting in residential strata schemes is controversial. OCN has made submissions to the parliamentary inquiry; the short-term holiday and letting options papers; participated in the code of conduct advisory committee; and made an extensive submission to the 2018 Explanation of Intended Effect (EIE) on changes to the planning system. During this period numerous issues and concerns have been raised.
3. OCN remains concerned that the STRA package is not, in fact, designed to manage “home sharing”. It does not restrict “Airbnb style letting” to the principal home and the state-wide approach removes strategic planning powers from Local Councils. The model being proposed for NSW is unable to respond to different business models and different locations and demographics. It will have significant unwanted consequences.
4. The first part of this submission addresses the *a priori* issue of public participation in the current consultation. The summary of major short-term letting issues is set out in paragraphs 13 - 26.

Thanks to our premium sponsor

STRATA
PLUS

B. PARTICIPATION IN PUBLIC AFFAIRS

5. First, OCN welcomes the release of the entire short-term letting framework, including the draft State Environment Planning Policy. It has been our consistent position that all the relevant instruments should be published together to enable the public to see how the entire package will work together. This is to try and overcome the fragmented way in which this STHL policy has been developed. However, the Departmental standard one-month exhibition period applied to State Environmental Planning Policies generally is not sufficient in this case and this short time period is disappointing.
6. The consultation package consists of:
 - i. Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019;
 - ii. Draft mandatory fire safety standards and regulation;
 - iii. Draft Code of Conduct for the Short-Term Rental Accommodation Industry; and
 - iv. Discussion Paper, which raises the possibility of an 'industry-led' Register.
7. The Discussion Paper does not fully explain the effect of the planning instruments. There are no information sessions that would enable the public to clarify questions or issues. It means that the highly important aspects of the planning policy are not transparent to the public. It will be a shock to many strata owners that their conditions of development consent and their Local Environmental Plan protections are being removed.

C. PUBLICATION STANDARDS

8. Secondly, previous submissions to the DPE (on the EIE) were only published on 26 August – almost a year late and half way through this consultation period. The EIE submissions were, in fact, originally published on 17 November 2018 and promptly removed. The over 40 submissions published on that day were from organisations, including Local Councils. The OCN was told that the submissions were removed for reasons of 'confidentiality'. There is no confidentiality issue in relation to a public submission to public consultation made by elected public bodies such as Local Councils or organisations like the Owners Corporation Network (OCN).
9. Thirdly, submissions have been:
 - (i) stripped of organisational identity the original letterhead with address and contact number of the organisation;
 - (ii) formatting has been removed collapsing the text into unreadable blocks with headings and syntax lost; and
 - (iii) in almost all cases published under the private name of the signatory instead of the organisational name (e.g. the name of OCN's Chairman, not OCN).
10. Local Council submissions, which raise important planning law, policy and practice have suffered the same fate and have been published under the private name of the signatory. It is these submissions that highlight critical planning, land use, housing and strategic planning issues.

11. Fourthly, the submissions are:

- (i) difficult to find, being listed under a 'view previous submission' link which has no prominence;
- (ii) difficult to navigate and do not allow the reader to return to the list requiring them to re-enter the page on every occasion.

12. The effect of these unfortunate circumstances is to deprive stakeholders and the public of any meaningful access to the EIE submissions which contain crucial substantive analysis and comment. This combined with the short one-month timeframe undermines the public consultation process. It deprives the current Ministers, who were not responsible for the initial policy, of being fully informed¹.

D. SUMMARY OF MAJOR ISSUES

13. This is a short summary of major issues.

14. **Complying Development:** All STRA in all residential strata schemes must be made a complying development not exempt development to ensure mandatory fire safety standards are met, with inspection by local council or a private certifier.

15. OCN commends the Minister on bringing forward a mandatory fire safety standard for STRA. We are disappointed to see non-professional "hosts" oppose such standards on the grounds that it will be an unnecessary 'burden' on their STRA business activities.

16. In the residential strata environment, the risk to life of fire is significantly increased by the presence of short stay tourists and visitors and increased further in high rise apartment buildings. The characteristics of residential apartment buildings is such that only a complying development approach will ensure that the mandatory fire standards are in fact implemented. This is essential for the protection of all residents, and not just the STRA Guest. This issue is addressed in more detail on our forthcoming submission.

17. **Maximum Caps:** In residential apartment buildings Un-Hosted STRA should be capped at a maximum 90 and preferably 60 days for the Greater Sydney Region to contain STRA to "Home Sharing". All Un-Hosted STRA must count toward the maximum cap. The City of Sydney survey clearly demonstrated that there is not public support for the use of entire apartments for STRA purposes. Local Council submissions in LGAs with high "Airbnb style letting" growth in regional areas, and, metropolitan councils with housing affordability issues have consistently told the NSW Government that 180 days is excessive. The NSW framework is not aimed at managing "home-sharing". A genuine 'home sharing' policy would restrict this type of short term letting to the principal home and set a much lower cap.

18. **There is No real Cap:** In 2018 the EIE expressed the clear commitment that 180 days would be the maximum permitted Un-Hosted STRA in the Greater Sydney Metropolitan Area. This is clearly not the case. The 180 days only applies to the "exempt (or complying) development" pathway. A "Host" can apply for consent to conduct Un-Hosted STRA for 365 days a year. This is a change of position that has not been explained. Combined with the newly announced 21-day loophole – the flaws of the state-wide approach become more evident. **Local Councils** must have flexibility to set a lower cap and apply zoning

erspo¹ <https://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms> - to see submissions from local councils and other groups scroll down to 'view previous submissions'.

restrictions to meet their strategic planning objectives. The state-wide approach is simply unable to respond to different situations in different areas.

19. **Development Consent Conditions:** Residential strata schemes in mixed use and commercial zones with express prohibitions on short term letting must have their development consent conditions preserved. There are thousands of apartment owners in the locations like the CBD and Pyrmont living in residential apartment buildings with a specific development consent condition that prohibit short term letting (< 3 months). These conditions are precisely to ensure that these buildings are not converted into quasi hotels. The OCN has written to the Minister explaining that a by law to prohibit short term letting can be defeated by a mere 25% of votes based on unit entitlement limiting this mechanism's ability to deal with the issues.
20. **Register:** The planning law changes should not start without the Register, which must be a government run register or a neutral platform not part of the short-term letting industry. The Register must include reporting of day of occupation (caps), the Host must disclose all the platforms on which the premises is listed. Local Councils must be involved in designing the system and have unimpeded access to data. The Register must generate a unique Host ID. The OCN submission will set out in more detail the model, data fields and operation of a cost-effective registration system. It is vital that NSW does not repeat the mistakes of other jurisdictions or enable digital platforms to abuse their market power.
21. **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 planning law criteria, so it is clear the use of unregistered premises for STRA is in breach of the planning laws and penalties apply. The Host must display the unique Host ID on all listings. It is jurisdictions that set clear obligations to Hosts that have been more effective in overseeing arrangements, in part because this also allows Hosts to know specifically what is and what is not lawful.
22. **Platform Obligation:** There must also be a legal obligation for Platforms and agents not to list an unregistered residential dwelling for STRA. The 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 display clearly the Host's unique ID. Penalties for non-compliance must be significant.
23. Residential strata **schemes** must have authority to levy charges and fees to Hosts conducting STRA. There is a wide variety in residential strata schemes, which include mixed use schemes and multi-tiered community association with 'resort style' facilities. The economic model of a strata scheme is based on the use for which it was designed, approved and built.
24. One of the many impacts will be a disproportionate cost to owners and the owners' corporations of these STRA operations (concierge workload, wear and tear on lifts, gyms and other utility areas, administration and management costs). Unless these are addressed, owner/occupiers and investors with residential tenants will be significantly subsidising the business models of those running STRA businesses. This also applies to mixed use schemes that include, for example, golf courses and hotels that are part of the strata scheme or community association. The disruption of that economic model requires the clear legislative ability to redress the externalised costs of the STRA business(es) operating from the residential component of the scheme/community association.

25. In the US, the courts have recognised that an owners' corporation of a residential scheme in which some owners are using their lot for short term renters has a legitimate basis for levying additional fees and charges. The same should apply here.
26. If you have any questions concerning this submission, please contact Jane Hearn, OCN Vice Chair on 0432 618 937. The OCN will endeavour to ensure that the further detailed submission will be submitted by the extended date of 25 September 2019.

Yours sincerely,



Philip Gall
Chairman
Owners Corporation Network of Australia Limited

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

Submitted on Tue, 10/09/2019 - 13:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Karen

Last name

Stiles

Name withheld

No

Info

Email

eo@ocn.org.au

Suburb/Town & Postcode

SYDNEY

Submission file

[ocn-preliminary-submission---short-term-letting-framework-190910.pdf](#)

Submission

Thank you for accepting this preliminary submission by the Owners Corporation Network of Australia Limited. The full submission will be provided by 25 September 2019.

Kind regards
Karen Stiles
10/9/19

I agree to the above statement
Yes

From: janehearn@homemail.com.au
Sent: Friday, 27 September 2019 10:01 AM
To: DPE PS STHL Mailbox
Subject: OCN submission - proposed STRA FRAMEWORK - NSW
Attachments: OCN FULL SUBMISSION DPE STRA FRAMEWORK 27092019 JH [Final].pdf

Dear Ms Chappel

Please find attached the submission from the Owners Corporation Network of Australia Pty Ltd.

The submission is lodged today as agreed with Luke Walton.

We look forward to further discussion on the Framework for NSW.

Please acknowledge receipt.

Kind regards

Jane

Jane Hearn BA LLB GAICD
Deputy Chair
OCN
M:+61 432618937

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 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

Follow Up Flag: Follow up
Flag Status: Completed

Submitted on Sun, 08/09/2019 - 19:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Jennifer

Last name

Anderson

Name withheld

No

Info

Email

jennifer.anderson@bigpond.com

Suburb/Town & Postcode

2291

Submission

I am authorised to make submission on behalf of Owners Corporation SP20771 given our substantial

experience in managing the nightmare airbnb causes in strata complexes, destroying the safety, security and amenity of other residents.

It is submitted that the by-law an Owners Corporation may pass should permit the Owners Corporation:

1) to require a bond as security for damage by the airbnb users. To repair our electronic gates damaged by airbnb users was about \$2,000.

2) to require the names, addresses and licence numbers of airbnb users, to assist in recovery of costs incurred by the Owners Corporation to repair damage done by them.

3) to permit the Owners Corporation to post a sign on common property on the conditions applying for airbnb including that the Owners Corporation has no insurance for short term rental if this is the case (where no unit owner has requested the insurance change and paid the additional premium).

4) to require tenants under an RTA lease to provide evidence from their unit owner landlord that the unit owner approves the subletting which airbnb is under an RTA lease. This assists to head off tenants profiting at the expense of the unit owner having strangers in their unit and their landlord insurance potentially not applying.

5) to be able to fine the unit owner where the airbnb guest breaches the Owners Corporation's other by-laws. For example the fine covers the cost of the Owners Corporation paying a cleaner to remove vomit from bins, remove airbnb users dumping bulk waste and to clean common property driveways where drunken airbnb users urinate on them. The fine can also cover the cost of hiring a vehicle to tow away airbnb user cars parked across the car spaces of permanent residents.

6) to permit the Owners Corporation to enter a unit and stop excessive noise or smell where airbnb users abuse units through late night parties. This right to enter also permits the Owners Corporation to confirm that the unit owner or tenant is resident, a key requirement of the new law. Where the unit owner or tenant is not resident, then the Owners Corporation should be able to order the illegal use to end and the airbnb users vacate.

7) the Owners Corporation be permitted to require unit owners or tenants using airbnb to fund security cameras and noise recorders and for the camera footage and noise records to be available to be relied on by the Owners Corporation and neighbour properties especially in the event of damage alleged to be made by the airbnb users or the Police called.

The above are drawn from actual experience of our strata where owner occupier Strata Committee members have spent countless hours of personal time trying to manage the serious negative implications of airbnb users and their antisocial behaviour and abuse of common property. We respect NSW Government but submit that the new law must permit Owners Corporations to pass by-laws on the matters listed above. Otherwise the safety, security and amenity of owner occupiers and long terms residents is lost. This is wrong.

Jennifer Anderson

Chairperson

SP20771

36 John Parade Merewether NSW 2291

I agree to the above statement

Yes

From: P Kam <unit2601@yahoo.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
P Kam
14 Woniora Rd
Hurstville, Nsw 2220

From: Paige Sinclair <paigesinclair@me.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 am retired and I do not draw a pension from the government. The income I receive is my major source of revenue, without this opportunity I would be in a dire financial position.

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.

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Thank you for reading my submission.

Regards,
Paige Sinclair
4 Jean St
Coffs Harbour, Nsw 2450

From: Pamela johnstone <ellajj47@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Pamela johnstone
1B Sunset Ridge Dr
Bellingen, Nsw 2454

From: Pascale Hair-Spuhler <pascalehairspuhler@hotmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 am an independent worker with a small business and I derive an extra income from it that is much needed. I also enjoy receiving guests because I live on my own and I love contact and travelling (which I can't do much currently) and hear about other people's travels and lives.

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.

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Thank you for reading my submission.

Regards,
Pascale Hair-Spuhler
3 Devitt Ave
Newington, Nsw 2127

From: Pateena Donnelly <pateena@aioa.com.au>
Sent: Friday, 6 September 2019 7:32 PM
To: DPE PS STHL Mailbox
Subject: Short term rental accomodation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

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 and that all parties, specifically Platforms and Guests should be held to account for their actions and that the burden should not just be overwhelmingly borne by Letting agents and property owners as is the current proposal.

Please find attached my Submission,

Kind regards,

Pateena Donnelly & Arthur Gorissen

7 Station Street

Stanwell Park

Sent from my iPhone

From: Patricia Baldwin <trishy.bald@gmail.com>
Sent: Saturday, 17 August 2019 1:19 AM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category, sent

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Patricia Baldwin

From: Patricia Champion <miss__pat@hotmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Patricia Champion
25 River St
Repton, Nsw 2454

From: Patricia Emmett <ptemmett@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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- Respect the ancillary use of my home for home sharing
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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.

Regards,
Patricia Emmett
35 Wards Rd
Megan, Nsw 2453

From: Patricia voigt <palmiravalle45@hotmail.com>
Sent: Wednesday, 11 September 2019 2:19 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...

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".

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Thank you for reading my submission.

Regards,
Patricia voigt
6 Margaret St
Greenacre, Nsw 2190

From: Patricia Wilson <andrewtrish@iprimus.com.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Patricia Wilson
98 Charles Ave
Minnamurra, Nsw 2533

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 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category

Submitted on Thu, 05/09/2019 - 21:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Patrick

Last name

Phegan

Name withheld

No

Info

Email

paddyphegan@gmail.com

Suburb/Town & Postcode

Dee Why

Submission

Stratas must be allowed to pass a By-law to limit short-term rental in the building.

The possible income tax should be brought to the attention of possible hosts. "Tax experts have highlighted the "discriminatory" capital gains tax treatment of home owners using shared economy sites such as Airbnb, compared with those who rent out their principal residence for lengthy periods under more traditional leasing arrangements." SMH 3/3/2018.

I agree to the above statement

Yes

From: patrick vasquez <patrick61@hotmail.com.au>
Sent: Wednesday, 11 September 2019 2:19 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.

Regards,
patrick vasquez
9 Cliff St
Coledale, Nsw 2515

From: Paul Anstee <paul1908@me.com>
Sent: Thursday, 5 September 2019 4:04 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Flagged

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Should we be forced to cease holiday renting our property; not only will I cease to employ a Cleaner, Gardener, Pool Man and cease using the local Laundromat for washing sheets etc...which will result in the loss of approximately \$35,000 in income....but multiple local businesses in the South Coast such as cafes, restaurants, supermarkets, butcher, etc etc will lose out on patronage and income....which combined with other beach houses also ceasing to rent, will have a devastating effect on the local economy.

Does the NSW State Liberal Government really want to be known forever as the Party who put people and local businesses out of work on the NSW South Coast (and other parts of NSW) as a result of Legislative restrictions on the use of our properties?

Regards

Paul Anstee

From: Paul Baker <deauzie@gmail.com>
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 there is no suitable wheelchair accommodation that supplies equipment for the disabled in western Sydney.

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".

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Thank you for reading my submission.

Regards,
Paul Baker
32 Gilmour St
Colyton, Nsw 2760

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 4:12 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 16:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Belin

Name withheld

No

Info

Email

pbelin8@gmail.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

Short term rental accommodation

Discussion Paper

A new regulatory framework

August 2019

1. Thank you for the opportunity to comment on the draft framework for regulating STRA in NSW. I have significant concerns about the framework particularly from the perspective of somebody who lives in a Strata in Byron Bay, specifically Kiah Beachhouses.

2. Kiah has 16 units within the strata, but no manager who might otherwise deal with STRA issues. STRA is a burden on the long term residents, particularly on the strata committee, and its agent. As a rule STRA guests and the agents handling bookings have little or no regard for the bylaws of the strata, and in particular the treatment of common property. STRA guests can be disruptive, noisy, leave our pool area in a mess, overuse parking spaces, and generally have little respect for the amenity of longer term residents. Clearly not all guests behave badly, but even the more well behaved are only here for a short time and detract from the sense of community that can exist between long term residents, whether owners or long term lease holders. The coming and going of so many people and the associated cleaners and other service providers needed to operate a unit as a STRA rental is also a security risk with unknown people wandering around the property, and an increasing number of people knowing our gate code.

3. Neighbourhoods are being gutted by STRA, particularly in tourist hot spots like Byron Bay. STRA removes long term rental accommodation from the market, exacerbating the ability of many of the work force needed by the tourism industry to live locally. It thus also exacerbates the traffic problems that Byron experiences.

4. Local Government is not resourced to regulate STRA. Local Councils need to retain strategic planning powers to reduce STRA caps, and exclude STRA from precincts and buildings. STRA breaches planning laws, fire safety standards, strata laws, and undercuts operators of tourist accommodation. It is a commercial non-resident use of residential premises.

In my view the draft framework is markedly deficient:

1. It allows 365 days a year rental for regional areas where the host is not present, with an option of local governments to apply for a 180 ceiling. Sydney would have a 180 day ceiling. Why different ceilings would apply to Sydney versus the regions has never been fully explained. Nor does the draft framework mention the concession that a Government minister has already announced for Byron Bay, being a 90 day limit.

2. I believe that the regulations should have a zero limit for STRA where the host is absent, and that the government should honour the commitment given to grant Byron Bay a 90 day limit where the host is present.

3. This discussion paper introduces a new feature of the framework and that is that rentals of 21 consecutive days or more would not be counted in the 180 limit. In a long drawn out consultation process this is the first time this feature has been proposed, without it seems any specific justification. I oppose this feature as it will allow the 180 (or 90 days in Byron Bay should that eventuate) to blowout significantly. It would allow owners and agents to significantly increase the occupation of STRA properties defeating the very purpose of the regulatory framework, that being presumably to manage STRA within acceptable community parameters. Furthermore it is open to rorting by intermediaries who

could take out block bookings of 21 days or more and sublease them to the public. At the very least any longer term booking should comply with normal leasehold regulations, which I believe apply to rentals of three months or more.

5. The register of STRA properties will not be available to the public, due it is claimed to privacy concerns. This is unsatisfactory. I think the public has a right to know when the bookings are being made for a property, and the conditions of those bookings (e.g. no more than two people per bedroom, no parties etc etc). Residents in a strata are particularly affected by STRA. As the code of conduct is going to be reliant on members of the public having access to information about STRA in their neighbourhood, this feature further undermines the ability to enforce that code. Some commercial in confidence information could be concealed, but even then there are ways of finding out about rental rates through the booking platforms, so the arguments for confidentiality are weak. If the government balks at public access it might like to consider access for strata corporations or their managing agents to ensure compliance within a strata.

6. The draft framework requires a 75 per cent vote by a strata to opt out of STRA. This is back to front. Given how intrusive STRA can be within a strata it should require a 75 per cent to opt in.

I hope my views are taken into consideration and look forward to the government introducing a more balanced approach to STRA.

Thank you
Paul Belin

I agree to the above statement
Yes

From: Paul Capper <pjccapper@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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I host on Airbnb because...

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Thank you for reading my submission.

Regards,
Paul Capper
55-57 Brighton Blvd
Bondi Beach, Nsw 2026

From: Paul Chang <pawcone@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 have a global lifestyle and whenever I'm not in Australia - the flexibility offered by Airbnb ensures that I can make the most of my life even when I'm not in Australia.

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.

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Thank you for reading my submission.

Regards,
Paul Chang
116-118 Herring Rd
Macquarie Park, Nsw 2113

From: Paul Clements <pclem2691@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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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.

Regards,
Paul Clements
314 Bay St
Brighton-le-sands, Nsw 2216

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>Byron Shire Council (BSC) are proposing to reduce STRA to 90 days or less shire wide. BSC is required to prepare “a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area”, as per Ministerial Direction 3.7. They are putting forward via this submission process a request to reduce all holiday letting in Byron Shire to 180 days until such time as they prepare the planning proposal referenced above. They have not made any contact with any relevant parties in determining the impact that this will definitely have on the economy of the towns of the Shire. They are only focused on issues that are experienced in the town of Byron Bay, and not on the detrimental tourism & economic impacts on the other towns eg. Brunswick Heads, New Brighton, South Golden Beach, Bangalow, etc..</p> <p>We agree with the restriction not being imposed in the Byron Shire, except if deemed necessary in Byron Bay itself, which leaves the number of lettable days at 365 days per year.</p> <p>Due to council's negative view on STRA as a whole, we have concerns around council's involvement when determining a properties complying development eligibility.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>

Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p> <p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p> <p>Ours, for example, will show how little of a problem the North Byron Shire is experiencing.</p> <p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>
Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>

Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>
Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p> <p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p> <p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p>

<p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>

<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>
<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
<p>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?</p> <p>Not directly. They can refer to the register</p>

	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p> <p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p> <p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

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 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
Flag Status: Completed

Submitted on Sun, 08/09/2019 - 09:02

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Fischer

Name withheld

No

Info

Email

psmfisch@hotmail.com

Suburb/Town & Postcode

Brunswick Heads

Submission file

[stra-code-of-conduct-and-registration-feedback.pdf](#)

Submission

Dear BSC,

*We responsibly holiday let our property through an agent.

*We provide employment to the real estate and a local cleaning company - a family run business that employ family members.

*We also employ a local gardener.

*Our guests are predominantly families, & to date we've had positive feedback from neighbours about our guests.

*We have off street parking for the guests.

*We are local residents and we ensure the bins are removed from the curb side each week.

*Our property is adjacent to a commercial property on 2 sides.

If we're unable to holiday let the property for 365 days, we will most likely need to sell the property.

Kind regards,

Dr Paul Fischer
Senior Consultant Emergency Physician
Byron Central Hospital

I agree to the above statement

Yes

From: Paul friend <friendpaul2@gmail.com>
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...

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
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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.

Regards,
Paul friend
7 Birch Cres
East Corrimal, Nsw 2518

From: Paul Harrison <chilliwick@outlook.com.au>
Sent: Wednesday, 11 September 2019 2:20 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.

Regards,
Paul Harrison
9 Donald Rd
Clarence, Nsw 2790

From: Paul Harrison <harraskin@gmail.com>
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.

Regards,
Paul Harrison
14 Porter St
Moama, Nsw 2731

From: Paul Haslin <admin@elysionalpacas.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

I would like to host on Airbnb to provide some additional income to my pension, whilst encouraging tourist interest in my region.

The Airbnb host community depends on hosting as an economic lifeline to help us pay the bills. I also recommend local 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.

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- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired. The sophisticated 10 year battery,

interconnected systems available on the market should be recognised as equal to hard-wired systems.
- Require evacuation or emergency plans and guest education

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Thank you for reading my submission.

Regards,
Paul Haslin
155 Foxgrove Rd
Canyonleigh, Nsw 2577

From: Paul kemp <paulimail789@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

Don't be another sheep!

Have some self-respect and do something right for once.

Make a real difference not just in this case either.

I don't have the solutions but more regulations on everyday people is not the answer. Making it harder to share is not a good thing

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".

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Thank you for reading my submission.

Regards,
Paul kemp
72 Seaview St
Mollymook, Nsw 2539

From: Paul Kish <pkishmail@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

Hi Tim,

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

I host on Airbnb because I was made redundant and this is now my only source of 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. As well I take overseas guests on a free 1-2 hour tour of our beautiful city to give them an idea of where to come back to and experience further.

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.

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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.

I currently take out extra costly insurance to cover my guests.

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.

Regards,
Paul Kish
John Parade
Merewether, Nsw 2291

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 10:22 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 10:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Margolin

Name withheld

No

Info

Email

templebyron@icloud.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

I would like to see restrictions put on the amount of short term rental accomodation in Byron Bay

Nearly all of my friends have had to leave Byron Bay as the short term rentals have taken over and the owners and landlords do not want long term tenants any more because they can make far more money using platforms such as Air BnB

The locals do need to be able to live in their town , after all , it was they who gave Byron Bay its unique character in the first place

We should be mindful of the negative outcome if we do not keep a balance in our policies and determine real strategies around this situation, which seems to be getting out of control here in Byron Bay these days

I agree to the above statement

Yes

Paul Murphy
76 Carpenter St
Umina Beach
NSW 2257
0401225341

Submission

"The Government's short-term holiday letting plan will support the sharing economy and give consumers more choice while cracking down on bad behaviour", Minister for Better Regulation Matt Kean 5th of June 2018.

"Support the sharing economy"-

These sets of proposals are potentially very damaging and I am yet to find any support in this for the sharing economy.

"Give consumers more choice"-

The Hunter Valley where my property is located regularly host outdoor concerts, which can hold up to twenty thousand people at any time. During the concert season, which also coincides with the wedding season accommodation is very scarce and therefore many people miss out. If this regulation was to be implemented in its current form I would estimate that a large number of properties would cease to operate due to the high BAL, limiting the guests to 12 people making the business just not viable. A number of properties will also cease due to the high costs associated with becoming compliant. This will also be the case with many coastal towns who already struggle to house tourists in peak times. The proposal will do the exact opposite and will give consumers less choice.

"While cracking down on bad behaviour"-

The proposed Part 7 of the code regarding strikes being recorded is very confusing. You propose a host being removed from booking sites when they have received 2 strikes in 2 years. How can the host be held accountable for actions entirely beyond their control? Strike the guest, set a fee to be paid by the host (which can be included in bonds and held in such cases), but you cannot penalise a host with a strike who always seeks to act with the best intention. If, however the host fails on a directly controllable element then by all means record a strike.

I also would suggest that a complaint should first be raised with the owner – such that they can immediately address the concern. As I read this proposal the first a host might know of a complaint is when it's registered. In the whole time I have been letting out my property I have had one issue raised by a

neighbour which I addressed straight away. I have good communication with all my neighbours and regularly check in with them.

The recommended standard of a maximum 12 (or 2 people per bedroom) whichever is the lesser – will not reduce noise and will cause business and community damage. Most of my guests are families getting together in a rural setting giving the kids a taste of country life. A small group playing loud music all night are much more antisocial than a family reunion of 20 people sitting around catching up. Therefore there is no reasonable basis to limit STRA guest total numbers. This is extremely damaging and will make it less viable for operators of large homes to continue. It will cause many STRAs to go out of business and will drastically hurt the communities that rely so desperately on the tourist trade.

Fire Prone Land

There is a section in the State Environment Planning Policy, which I feel, is poorly written and could stop almost all STRAs in a rural setting and it needs urgent attention.

Division 2 Short-term rental accommodation—complying development

13 Complying development—non-hosted short-term rental

accommodation (1) Development for the purpose of non-hosted short-term rental accommodation is complying development for the purposes of this Policy if— (a) the development is carried out on land in a zone in which residential accommodation of a type corresponding to the dwelling is permitted with or without development consent, and (b) in the case of non-hosted short-term rental accommodation in a dwelling located— (i) in the Greater Sydney Region, the Ballina area or the City of Lake Macquarie area, or (ii) on land in the Clarence Valley area shown edged heavy black on the Clarence Valley Short-term Rental Accommodation Area Map, or (iii) on land in the Muswellbrook area shown edged heavy black on the Muswellbrook Short-term Rental Accommodation Area Map, the use of the dwelling for non-hosted short-term rental accommodation does not cause the dwelling to be used for that purpose for more than 180 days in a calendar year, and (c) 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, and (d) the dwelling is situated on bush fire prone land, and (e) no part of the lot on which the dwelling is situated is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ), and (f) the dwelling complies with the requirements of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and Consultation note: It is proposed that paragraph (f) will refer to the most recent version of the publication entitled Planning for Bush Fire Protection. (A ‘pre-release’ version of Planning for Bush Fire Protection 2018 is currently being shown on the NSW Rural Fire Service website.) (g) in the case of the dwelling being situated in a lot in Zone RU5, there is— (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the dwelling, or (ii) a 10,000 L capacity water tank on the lot, and **(h) in the case of the dwelling being situated in a lot in any zone other than Zone RU5, there is a reticulated water supply connection to the lot, and (ii) a fire hydrant within 60m of any part of the dwelling,**

This differs to the RU5 which states **OR** a 10,000 L capacity water tank on the lot. Most properties cannot comply based on this alone. To have a fire hydrant within 60m of the property I would need access to high-pressure main water supply. With most properties only on tank water the infrastructure is just not there to service the properties. I can provide a 10,000 l tank with a hydrant connection.

Introduction of bushfire and flood prone land in this document is presumably to protect the safety of guests, but such arbitrary measures and the resulting consequences are not logical, are counterproductive and fail to offer any heightened safety at all. The definition of a BAL (for example) is not entirely meaningful when it comes to risk. A property at low BAL but poorly maintained and with high risk exterior items is potentially more dangerous than a well-maintained higher BAL. Things like annual land and undergrowth clearing, ready access for fire services, evacuation plans, blackout periods of renting during catastrophic fire warnings, guarded gutters, exposed flammable items are all examples of more significant measures than BAL alone.

Exceptions need guidelines around genuine safety, not hard numbers that offer no real comfort. As a result, I'd assert a well-managed BAL40 is safer than a poorly managed BAL29 – and this makes the proposal flawed. Additionally, there is no discerning in the guidelines between land that hasn't had a fire for 100 years vs land that has them ever year. Codes put in place that would force business closure based on a 1 in 100 year event (when other measures can better deliver the required outcome) is again madness. I believe the same to be true for flood prone land. I would contend that the arbitrary measure completely fails to protect renters on this basis and discriminates against good hosts. As such, a case-by-case approach is required for exceptions whereby an accredited fire company / or the local RFS can review and approve. If it is good enough for my family to live there why is it any different for my guests.

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Ok so I really don't want to leave this review - I want to keep this place a secret, so that we can book it whenever we want! lol But that would be unfair, so... From the moment we arrived this was truly an amazing experience. I had read about the animals and I thought a farm stay might keep the teenagers happy, but I never expected it to be so good. As we pulled into the driveway the Alpacas came to meet us, then the horse and ponies were close by. All the food was prepared and labelled and we got very clear instructions on what to feed them and when. The kids LOVED it, and took the responsibility very seriously. The house itself was amazing, incredibly clean and well stocked. I cant stand going to those Airbnbs that give you 1 x sharp knife, 1 x wooden spoon, 1 x salad bowl etc. This kitchen was very generously stocked both in the cupboards and the pantry. And lots of little touches - like the night light in the hallway. Plus extra heaters for every room. Then there is the effort Paul and his wife made to ensure your stay is a good one. The fireplace has plenty of wood, the outdoor firepit was built and ready to go, all we had to do was light it and it took off, roaring into the night. We then all sat around under the stars cooking marshmallows, with the kids getting in and out of the spa. Finally - response time was amazing. We couldnt figure out the TV, Paul answered immediately, problem solved. We ran out of wood, Paul answered immediately and told us about the stack in the back of the ute, problem solved!! It might seem like I am on the payroll at this place - im not, but it was truly a great experience. Every Airbnb owner should go and stay there to see how its done when its done properly!

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Paul's home is absolutely stunning, the location is tranquil and picture perfect. The house is finished to a very high standard with all the amenities you desire for a comfortable luxury stay. Spa and fire pit added bonus, we spent many a night around the fire with the ponies to keep us company. The property is excellently well kept inside and out and comfortable for large groups. Paul has been very hospitable and available to help at all times. The animals were gems, so friendly and interested in attention. I have made some lasting memories at the house and would highly recommend to anyone. All 10 guests felt the same.

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Peaceful & relaxing country getaway! We thoroughly enjoyed our time at Paul's place. The Alpacas and horses were adorable, and the accommodation exceeded our expectations as well. Would happily book & stay here again. Paul was very helpful and maintained great communication throughout our stay when we had questions etc. Thanks!

Vimmi

This place is a fantastic getaway for a large group of people and extremely close to the hunter valley wineries. Paul was a great host from the beginning to the end of our stay, in that he regularly checked in with us to ensure that any questions were answered. The outdoor area of the property is extremely spacious, which was perfect for playing ball games with friends. From feeding the animals to star gazing at night, we thoroughly enjoyed our stay and would love to stay here again!

Jodie

Breemiloy Homestead is just wonderful. My friends and I a wonderful weekend - the homestead has all you need for a country getaway, with the added bonus of all the gorgeous animals!! Breemiloy is a must if you are in the Hunter area - it would suit groups, couples, families - everyone!

Margaret

We took the family (8 adults and 4 children) to Breemiloy for a two night stay in April 19, the accommodation and surroundings were perfect. The kids loved feeding all the animals, and the adults loved the spa and fire pit of an evening, with a lovely glass of wine from the hunter wineries. Paul (the owner) was super helpful, great at communicating and provided little touches (an already made fire pit, carrots in the fridge for the ponies, and additional bed linen etc) to make the stay a great one. We would recommend unreservedly, and hope to return to this great spot

Breemiloy Homestead Hunter Valley

- In the short time that we have been letting out our property we have received 76 reviews 73 with a 5 star rating and 3 with a rating of 4.5 stars.
- We have had no safety issues.
- Provides guests with a country escape and an introduction to farm life.
- Employs local workers.
- Contributes to the local economy.
- Provides a business for my wife and myself.

Your questions with responses

Topic	Question	Response
Planning instruments	1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?	Fire and flood prone land, guest limits need to be amended.
	2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?	No
	3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?	Extremely detrimental and damaging to hosts. Huge impact on communities. Limits guest experiences and provides little extra safety outcomes
Code: Industry participants' obligations	4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?	Not sure how you address independent 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?	Consultation with the Chambers of Commerce and local business that rely on the trade. Speak to hosts that will be affected by the changes. Consultation with fire experts. Return more control to local council who know the area.
	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?	Works fine in current format
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?	The host should be considered over unruly guests. More focus on guest restrictions rather than limiting hosts.
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?	How can hosts who act in best interests at all times be held accountable for a guest

	9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?	Super difficult – believe guests will modify minor details to avoid being excluded
	10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?	No
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?	Perhaps bonds need to be set at a minimum level to cover fines incurred by guests
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?	Yes
	13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?	Partners like catering, event planners, etc interact in the ecosystem and could be related and included (e.g. – a caterer may create excess noise?)
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?	I cannot comment on this but it seems discriminatory to require certain conditions on STRAs and not similar accommodation businesses
	15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?	Long standing businesses of good repute and record. A grandfather clause. Arguably, also regional STRAs
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?	

Amendment Regulation: Fees and cost recovery	17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?	The government – these are all new requirements. Particularly if the STRA pays an exempt land tax rates – the government is creaming revenue and adding cost – all of which will ultimately be paid by guests
	18. How should costs be apportioned across different STRA industry participants? Why?	Guests will end up paying regardless of the split.
Amendment Regulation: Penalties	19. Is the proposed penalty notice offence amount appropriate? Why or why not?	You picked a number – seems enough to be an encouragement to comply
Proposed industry led property register	20. How can industry be organised to develop and manage the registration system?	Use Service NSW and require a license to operate an STRA
	21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?	They will be significant and will be passed through. No idea how much
	22. What role should the Government play in developing or overseeing the register, if any?	It should be a government obligation
	23. Are there other outcomes a register should deliver?	How will you recognise independent operators
	24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?	Make it LAW – like a driver's license
	25. What audit and verification processes would be needed to ensure accuracy of data?	No idea – really difficult – maybe collect audit like guest feedback to validate accuracy
	26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?	To many avenues for host to attract bookings.
	27. What information should the register collect? Why?	Location, address, basic details
	28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?	Can be contributors based on existing data held
	29. What role should Government play in the registration process or providing information for the register?	Should gather from all existing sources (local and national

		governments) and start the process
	30. Should any information on the register be made publicly available? If so, what information could be made available and why?	Why not all – except personal information of hosts beyond name and contact email or number
	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?	No
	32. Should any information on the register be made publicly available? Why?	As above – why not all
Commencement of regulatory framework	33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.	I think you should go with the license idea – it will take at least a year
	34. When should the STRA regulatory framework start? Please provide reasons.	Never as is – it needs significant amendment. After amendment –
12-month review of regulatory framework	35. Do you support the proposed scope of the review? What additional considerations might be necessary?	I think it is ill informed and ineffective – nothing more, arguably less
	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?	Speak to businesses – and try to see the full scope of the proposed measures. Regional is poorly addressed with these measures

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 8:52 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

Submitted on Tue, 10/09/2019 - 20:46

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Murphy

Name withheld

No

Info

Email

spud74@gmail.com

Suburb/Town & Postcode

Umina Beach

Submission file

[stra2.docx](#)

Submission

Paul Murphy
76 Carpenter St
Umina Beach
NSW 2257
0401225341

Submission

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Division 2 Short-term rental accommodation—complying development 13 Complying development—non-hosted short-term rental accommodation (1) Development for the purpose of non-hosted short-term rental accommodation is complying development for the purposes of this Policy if— (a) the development is carried out on land in a zone in which residential accommodation of a type corresponding to the dwelling is permitted with or without development consent, and (b) in the case of non-hosted short-term rental accommodation in a dwelling located— (i) in the Greater Sydney Region, the Ballina area or the City of Lake Macquarie area, or (ii) on land in the Clarence Valley area shown edged heavy black on the Clarence Valley Short-term Rental Accommodation Area Map, or (iii) on land in the Muswellbrook area shown edged heavy black on the Muswellbrook Short-term Rental Accommodation Area Map, the use of the dwelling for non-hosted short-term rental accommodation does not cause the dwelling to be used for that purpose for more than 180 days in a calendar year, and (c) 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, and (d) the dwelling is situated on bush fire prone land, and (e) no part of the lot on which the dwelling is situated is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ), and (f) the dwelling complies with the requirements of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and Consultation note: It is proposed that paragraph (f) will refer to the most recent version of the publication entitled Planning for Bush Fire Protection. (A ‘pre-release’ version of Planning for Bush Fire Protection 2018 is currently being shown on the NSW Rural Fire Service website.) (g) in the case of the dwelling being situated in a lot in Zone RU5, there is— (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the dwelling, or (ii) a 10,000 L capacity water tank on the lot, and (h) in the case of the dwelling being situated in a lot in any zone other than Zone RU5, there is a reticulated water supply connection to the lot, and (ii) a fire hydrant within 60m of any part of the dwelling,

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This place is a fantastic getaway for a large group of people and extremely close to the hunter valley wineries. Paul was a great host from the beginning to the end of our stay, in that he regularly checked in with us to ensure that any questions were answered. The outdoor area of the property is extremely spacious, which was perfect for playing ball games with friends. From feeding the animals to star gazing at night, we thoroughly enjoyed our stay and would love to stay here again!

Jodie

Breemiloy Homestead is just wonderful. My friends and I a wonderful weekend - the homestead has all you need for a country getaway, with the added bonus of all the gorgeous animals!! Breemiloy is a must if you are in the Hunter area - it would suit groups, couples, families - everyone!

Margaret

We took the family (8 adults and 4 children) to Breemiloy for a two night stay in April 19, the accommodation and surroundings were perfect. The kids loved feeding all the animals, and the adults loved the spa and fire pit of an evening, with a lovely glass of wine from the hunter wineries. Paul (the owner) was super helpful, great at communicating and provided little touches (an already made fire pit, carrots in the fridge for the ponies, and additional bed linen etc) to make the stay a great one. We would recommend unreservedly, and hope to return to this great spot

Breemiloy Homestead Hunter Valley

- In the short time that we have been letting out our property we have received 76 reviews 73 with a 5 star rating and 3 with a rating of 4.5 stars.
- We have had no safety issues.
- Provides guests with a country escape and an introduction to farm life.
- Employs local workers.
- Contributes to the local economy.
- Provides a business for my wife and myself.

Please reconsider this proposal.

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: Friday, 16 August 2019 3:58 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

Submitted on Fri, 16/08/2019 - 15:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Murray

Name withheld

No

Info

Email

paulmm@mail.com

Suburb/Town & Postcode

Randwick

Submission

Does the proposed new legislation consider hotel accommodation where it is legislated only for short term only? I cannot see how private STRA would affect such an establishment.

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: Paul Phuong <clanapp@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 me supplement my income and helps me provide the best for my family.

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.

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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
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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.

Regards,
Paul Phuong
36 Dunblane St
Camperdown, Nsw 2050

From: Paul rouse <paul@finquote.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
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Thank you for reading my submission.

Regards,
Paul rouse
41 Claudare St
Collaroy Plateau, Nsw 2097

From: Paul and Michelle from LANTANA Byron Bay
<lantanabyronbay@hotmail.com>
Sent: Thursday, 5 September 2019 9:25 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Byron Bay visitors will be most hard hit as night limits will reduce the number of accommodation options available to the extent that there simply will not be enough beds to meet the demand.

Kind regards
Paul Sargent
0423079985
8 gin Gin Cres
Ocean Shores
NSW 2483



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: Paul Sargent <pail.sargent747@hotmail.com>
Sent: Tuesday, 10 September 2019 7:44 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Please keep your filthy hands out of our pockets

Thank you for reading my submission.

Regards,
Paul Sargent
8 Gin Gin Cres
Ocean Shores, Nsw 2483

From: Paul Sarkis <paulsarkis1@gmail.com>
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.

Regards,
Paul Sarkis
20 Scott Rd
Mannering Park, Nsw 2259

From: Greenview Bowral <56centennial@gmail.com>
Sent: Thursday, 5 September 2019 11:01 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Dear Minister,

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Kind Regards

Paul Sassine

0433 948 743

From: Paul Smith <smithpaultracy@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Paul Smith
45 Robertson Rd
Scotland Island, Nsw 2105

From: Paula Carleton <paulamcarleton@gmail.com>
Sent: Wednesday, 11 September 2019 6:58 PM
To: DPE PS STHL Mailbox
Subject: Feedback on Short Term Rental Accommodation provided by 11 September, 2019

Feedback on the Short Term Rental Accommodation was until 11 September, however I couldn't find a link on your website to register my feedback today (11 September). Please ensure the below is included when reviewing feedback.

My feedback relates to Section 4.2.4 and in particular that "No more than 2 persons/bedroom or 12 persons, whichever is the lesser. "

We have a large home with 7 bedrooms (which comfortably sleeps up to 17: 12 adults, 5 children and also has cots for 2 babies) which is available for short term rental in the Shoalhaven shire. Our guests quite often are family members gatherings to celebrate significant birthdays/wedding anniversaries of elderly relatives or just getting together to enjoy extended family time. By restricting the number of persons to 12 this would mean these groups would be restricted in their numbers and they would either be unable to meet together as a family to share a celebration over a weekend or have to rent another house increasing the cost of the family gathering and reducing their time together as they would be in different locations.

Also quite often families have younger children or babies that may need to sleep in the same room as their parents, by restricting the number of people in bedroom to 2 this could put undue stress on younger members of the family not being able to sleep in their parents room.

We also have one room that has four beds, two single beds and bunks this rooms is type that enables younger members of the different families to sleep in the same room and enjoy the company of their young relatives, creating fond memories of the times spent together.

Thank you for considering the above.

Regards

Paula Carleton

Sent from [Mail](#) for Windows 10

From: Paula Diaz <pauladiaz61@me.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Paula Diaz
50 Barden Cl
Callala Bay, Nsw 2540

From: Paula Edlinger <k.pedlinger@bigpond.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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Paula Edlinger
12 Lake Entrance Rd
Warilla, Nsw 2528

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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.

Regards,
Paula Tennent
64 Margaret St
Petersham, Nsw 2049

From: Pauline Clark <pollymum@bigpond.net.au>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 am recently separated from my husband and he has destroyed my financial situation so I share my house with visitors to our area

It provides a clean comfortable bed for people who want to stay for a week or just one night at an affordable price. The income of air bnb isn't huge and I use it to pay my rates and if anything is slept over the rest of the money goes into the local community stimulating the local economy which has got to be a good thing. It also gives me a sense of purpose giving back to the community meeting people from all over the world I have a son with Down syndrome and he also loves meeting new people so it is giving my son stimulation we are actually supporting the local tourist trade by sharing our home and even helping reduce the road toll as a lot of people choose to stay after they have spent a full busy day seeing the beautiful south coast instead of driving 2-3 hours back to Sydney that choose to stay Airbnb as it is not expensive instead of driving home tired after a long day of sight seeing.

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:

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Thank you for reading my submission.

Regards,
Pauline Clark
21 The Bounty
Manyana, Nsw 2539

From: Pauline de vos <devos40@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 As a self funded retirees I enjoy the company of any guest that may stay with us. We love Our home and it's position, it give us great pleasure in directing guests to our world heritage Blue Mountains.

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.

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Thank you for reading my submission.

Regards,
Pauline de vos
27 Coronation Rd
Wentworth Falls, Nsw 2782

From: Pauline Kidson <pkidson@myune.edu.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

As an older woman I depend on my occasional guest to help cover the cost of living. Since I have become an AIRBNB host I have managed to pay my rates. Before hosting I was in debt to the council with no hope of repayment. I offer a valuable service to my guests both local and overseas. I have the opportunity of working in my own home to help the economy both locally and Australia wide. I cannot afford costly changes to my home. AIRBNB gives me dignity and the ability to survive. Without it I might be another homeless older woman. I also offer low cost accommodation to other older women who visit my area. This is an important social consideration. As a home owner I have few guests per month, perhaps as little as seven nights, but my value to my local community is significant. If you disrupt this valuable service you will cause much harm to people like me with few options for income that makes living possible.

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".

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Thank you for reading my submission.

Regards,
Pauline Kidson
4 Park St
Mount Druitt, Nsw 2770

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 6:28 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Fri, 06/09/2019 - 18:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Pauline

Last name

Su

Name withheld

No

Info

Email

paulinesu1@yahoo.com

Suburb/Town & Postcode

Sydney 2000

Submission

I am opposed to short-term letting in principle for the following reasons:

- it will drive up housing prices and rentals for local residents
- it will increase crowding and congestion. longer waits for services eg lifts
- short-term stayers may not feel compelled to comply with noise and rubbish regulations
- increased number of strangers coming in and out of apartments, whose identities cannot be verified
- increased likelihood of criminal elements using short-term letting to conduct nefarious activities eg meth labs
- increased of risk cigarette smoke and building fires, if short-term stayers feel no responsibility for common property

The central areas of Sydney where local residents live and work, should be designated "No Short-Term Letting" areas, to maintain equitable access for local residents.

Short-term letting could be permitted for the outer suburbs where there is less population density.

In your decision-making, please consider the impacts on local residents and ensure safeguards can be enforced.

Thank you.

I agree to the above statement

Yes

From: Pawel Kapera <kaperapaw@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Pawel Kapera
99-101 Bay St
Rockdale, Nsw 2216

From: Peck How <peckles.h@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Peck How
953 Sylvania Ave
North Albury, Nsw 2640

From: Peili guan <guanpl@cba.com.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Peili guan
102 Boyce Rd
Maroubra, Nsw 2035

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 2:34 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 14:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

penelope

Last name

hill

Name withheld

No

Info

Email

penelope.hill44@gmail.com

Suburb/Town & Postcode

2061

Submission

For genuinely socially acceptable Airbnb lettings, the room toilet should either be:

1. in a unit/house in which the owner resides... has control at most of the time over the 24/7 behaviour of the visitor... OR
2. the airbnb rooms should ALL be contained in one separate building,,, with NO permanent occupiers/owners... and local govt. controls, rangers, police, etc. for neighbourhood disturbances, etc., fire control, etc., etc.
3. At present, strata/community living has NO protection from people outside their own walls... George Orwellian standards. 1984... all living in tiny cells - kept quiet by mobiles, pc.s, TV, etc. We are ALL stripped from these 'normal' protections... so we have already lost immense life-style protections, i.e. police, etc. What more do we have to lose - all fore the greediest/most sociopaths of this world?
4. My son runs an airbnb in Iceland... excellent... separate building... communal kitchen, mostly own ensures, etc. NO TVs or radios... VERY international... VERY friendly... very quiet, very reasonable... 12 rooms/units... in a very good area of Reykjavik...

I agree to the above statement

Yes

From: Peta Jesse <petajesse@me.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 as our children moved out of our family home we had a lovely space to share in our lovely neighbourhood.

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.

We also enjoy using Airbnb when we are travelling as it is a real gift to be invited into a local persons home.

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.

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Thank you for reading my submission.

Regards,
Peta Jesse
50 Sugarloaf Cres
Castlecrag, Nsw 2068

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 12:13 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 12:12

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

peter and umi

Last name

freeman

Name withheld

No

Info

Email

pfreeman@bigpond.net.au

Suburb/Town & Postcode

SURRY HILLS

Submission

We strongly support the policy position of the Owners Corporation Network of Australia. In particular, we believe it is vitally important that: (1) the proposed register should be government run. It should not be left in private hands; (2) residential schemes should be given the power to levy charges and fees on hosts to ensure they cover the cost of the extra wear and tear that is likely to be generated by short-stay residents and; (3) Local councils should have flexibility to set a lower cap and apply zoning restrictions to meet their strategic planning objectives.

I agree to the above statement

Yes

From: Peter Barrie <braevilla@yahoo.com>
Sent: Thursday, 5 September 2019 9:33 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 support the creation of a register of all holiday rental properties listed on a platform and the code of conduct. However, I oppose the smoke alarms requirements - the cost of installing all required smoke alarms and security lightning etc will be unaffordable for many owners and therefore you will deprive many holiday homeowners of income they have come to rely on. Maybe a requirement for normal smoke alarms in all rooms will be much better (to follow the requirements in normal long term rentals).

Kind regards

Homeowners - Brae Villa, Smiths Lake

Sent from my iPhone

I am making this submission as a resident owner and Chairman of the Strata Committee of a 75-unit apartment block in Milsons Point. Our building is particularly vulnerable to the problems associated with short-term letting and our residents have several areas of acute concern with the short-term letting package proposed by the NSW Government:

1. Preservation of Owners' Rights:

Residential apartment buildings in mixed use and commercial zones with express prohibitions or limitations on short term letting must have their by-laws 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.

2. Collective Cost of Permitted Short-term Letting

Residential schemes must have authority to levy charges and fees on Hosts conducting short-term letting. The disproportionate cost to owners and owners' corporations from STRA operations (e.g. wear and tear of lifts, gyms, garbage and other utility areas as well as administration and management costs) means they are effectively subsidising those running STRA businesses. Security arrangements in individual buildings must not be compromised. The Hosts should also be required to advise the Owners Corporation of intent to let their property on a short-term basis and to pay any extra insurance costs levied on the building.

3. Preservation of Local Government Oversight

Local Councils must have the ability to set and apply zoning restrictions to meet their strategic planning objectives. They should be involved in designing and be part of the compliance and enforcement function of any registration system.

4. Fire Safety Standards:

The only way to ensure that mandatory fire safety standards are met is for STRA in residential strata schemes to be classed as "complying development" (not "exempt development") which allows for inspection by Local Council or a private certifier. In addition:

- (a) Fire safety standards should be more onerous for short-term holiday visitors in high-rise apartment buildings as the threat to life of all residents is increased significantly.
- (b) Fire standards applicable to residential apartment buildings do not address the fire risks of cooking, BBQ's or smoking on balconies which are common problems with short stay visitors unfamiliar with by-laws or local customs.
- (c) Fire safety in residential strata schemes must not be left to self-regulating platforms or amateur hosts as it poses an unacceptable risk to all residents.
- (d) Fire and Rescue NSW should have direct access to Register data such as how many STRA apartments are listed in a single high-rise building to enable accurate assessment in emergency situations.

5. Effective Registration:

An independent, publicly funded registration system is essential to identify STRA properties, the owner/host, their agent or nominated representative as well as having data on address, location, intensity, volume, days of availability, days of occupation, number of rooms, etc. in order to develop a profile and analysis of the STRA industry. Other major cities such as New York, San Francisco, Barcelona, Paris, Toronto and Vancouver, who have experienced this industry, are now devising or implementing legislation to strictly regulate its operation. At the very least, NSW should have controls in place BEFORE allowing STRAs to operate in apartment buildings as well as enforceable and fast-acting conflict resolution processes.

Given the disparate issues involved with the regulation of AirBnB, Stayz and the like, the Milsons Point Community Group regards as essential the establishment of a Register run by either Government, local Councils or a neutral platform, with powers that are time-sensitive, practically enforceable and of real utility to residential strata schemes. This Register must be necessary pre-requisite to any new regulatory framework. STRA can transform homes into hotel rooms and neighbours should not be obliged to give up their right to quiet enjoyment with bland reassurances about conflict resolution. Such a Register has been found to be helpful in somewhat alleviating these problems in cities overseas.

6. Host's Registration Obligations:

There must be enforceable obligations for Hosts to register the premises before it is used for STRA purposes. Penalties should apply for unregistered premises. The Host should identify all platforms on which their property is listed, identify days of availability and report nights of occupations. Additionally, there must be a legal obligation for Platforms and agents not to list an unregistered residential dwelling for STRA. Again, there should be no change in planning laws in residential apartment buildings until the Register is in place.

7. By-Law Enforcement:

In cases where a strata scheme has a by-law prohibiting STRA, it must not be possible for this to be circumvented by any person who is not an actual owner being registered as a host. In the case of residential tenants, there must be evidence that the landlord has expressly permitted the conduct of STRA by the lessee. STRA in strata buildings must require a complying certificate. This should be part of the registration process as it is essential data for regulatory oversight and enforcement.

8. 180 Day Cap:

The proposed 180 day cap is unacceptable and excessive by world standards. It makes a mockery of the original intention that the caps were to be an economic lever to drive apartments back into the domestic residential market.

The rapid growth in short-term letting in recent years has had significant impact on apartment buildings as well as residents on areas such as amenity, strata costs and individual safety. Such growth has clearly outpaced regulation and owner's corporations should be given greater ability to manage these impacts. Under no circumstances should this industry be self-regulated.

Julia Connor.

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 3:13 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

Submitted on Sun, 08/09/2019 - 15:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Burnett

Name withheld

No

Info

Email

burnettpc@optusnet.com.au

Suburb/Town & Postcode

Milsons Point

Submission file

[short-term-letting-package-submission-pb.docx](#)

Submission

Please see Word Document attached.

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 6:04 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

Categories: Rob submission, recorded in DPIE subs register

Submitted on Tue, 10/09/2019 - 18:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Clark

Name withheld

No

Info

Email

admin@callalabeachfront.com.au

Suburb/Town & Postcode

Callala Beach NSW 2540

Submission

I have strong concerns about two specific sections of the draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019 which I ask are reviewed and modified.

Part 3, Division 2, Clause 13 is too restrictive and does not take into account the size of rooms. This clause should be written in such a way as to specify minimum room sizes. For example, a large single room that could accommodate four people, if converted to two smaller rooms to also accommodate four people, could potentially affect or restrict egress in time of emergency due to additional dividing walls. Many rooms in short-term accommodation properties have been designed to offer substantial open space and freedom of movement within the open space. Forcing owners to divide these open spaces into smaller spaces to comply with this rule is ill considered.

Part 3, Division 2, Clause 13, Clause 1 (e) and Clause 3 states that bush fire attack level-40 (BAL-40) applies. In the case of Callala Beach, this is unnecessarily high given the very limited extent of bushland present. The narrow, ribbon-like nature of the vegetated sand dune would not carry a fire of significance and certainly not to the extent that the code suggests.

If this rule is to apply, hundreds, if not thousands of properties, including all properties on Greenway Rd and Verge Rd. Callala Beach would cease to be able to offer short-term accommodation and would necessitate the closure of dozens of small business across NSW. This rule would also result in the forced sale of those properties at significantly reduced values, causing economic hardship and lost revenue streams to the NSW government. Short term accommodation in regional NSW does not impact on larger hotels, motels of hosted accommodation as it is not typically supplied nor available. This will then cause negative impacts on NSW tourism and associated employment and revenue streams to Government.

Please advise your consideration of the points raised above.

I agree to the above statement

Yes

From: Peter Coates <prcoates@icloud.com>
Sent: Saturday, 21 September 2019 2:30 PM
To: DPE PS STHL Mailbox
Subject: AirBnb Code of Conduct and Regulations

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I am extremely concerned about the proposed new regulations and code of conduct for AirBnb. There appears to be very little in these regulations etc which protects the rights and quality of life of strata dwellers.

Strata dwellers live in very close proximity to their neighbours and the quality of life of strata dwellers is very much dependent on the atmosphere, style and culture that is generated by other strata dwellers. This quality of life is very much disrupted by the impact of constantly changing short term residents.

All strata facilities are finely tuned to the needs of permanent residents and the addition of short term visitors adds to the cost of running and maintaining a state building and increases the cost of living to all residents.

We, the owners who have elected to purchase and live in a strata residence because of the particular style and culture of that strata residence must be allowed to protect our interests and we must have the right to decide our own STRA position. This can be fairly managed by requiring a 75% vote.

The concept of self regulation by the STRA industry is not viable and the STRA must be administered by an independent body.

Yours Sincerely.

Peter Coates. AO

From: Peter Dracakis <purrfectpete@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Tom Submission, Air BNB run

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 allows me to afford to live where I prefer to reside.

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.

Regards,
Peter Dracakis
PO Box 7567
Tamarama, Nsw 2026

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 8:00 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 08:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Farmakis

Name withheld

No

Info

Email

peter.farmakis@gmail.com

Suburb/Town & Postcode

Byron Bay

Submission

A house two doors up from me has now been turned into an airbnb. The problems that have occurred since.

While there is onsite parking often there are more vehicles than allocated spaces and they have to park on the road which limits the amount of parking for the permanent residents who pay council rates. A number of times we have had to ask the people to turn down the music late at night. As the are different people renting this is an ongoing problem.

As a pemanent resident i would like to see the number of days that the property can be rented decreased.

I agree to the above statement

Yes

From: peter fletcher <peterfletcher6@bigpond.com>
Sent: Monday, 23 September 2019 4:16 PM
To: DPE PS STHL Mailbox
Subject: Short Term Letting - Discussion Paper Response

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

I am responding to the NSW Government's Discussion Paper and Consultation process in respect of Short Term leasing of properties within NSW.

I am a resident of an apartment building in the Sydney CBD area and have some major concerns with the suggested Government policy in respect of this issue.

In overview I do not regard the Government's intended policy as appropriate for the hundreds of thousands of residents of strata based apartment buildings in NSW who should be recognised as living in very different circumstances to those residing in stand-alone houses.

Strata building residents are, for good reasons, used to living in a highly regulated and democratically determined co-existence with their fellow residents for the common good and 'quiet enjoyment' of our homes.

Due to our close proximity with our fellow neighbours it is critically important that our shared co-existence of the property is well ordered and protected by legislatively backed strata laws that guarantee that noise and short term stays by guests are closely managed or restricted.

The Government's latest policy proposals re. short term letting will fundamentally undermine these traditional objectives and protections, especially in cases where the building's resident owners do not want to have their communal living preferences (and hence in-house strata laws) overruled by legislation.

My view is that each Strata building should be afforded the right to determine by democratic means whether short term letting is at all appropriate or desired for that particular building.

As such a vote of owners to an appropriate clear majority democratic level (I would suggest 75% as reasonable) should be the determining factor as to whether the building should be available for owners to engage in short term letting beyond the previously regulated minimum period levels.

I trust that my views as a strata owner / resident will be put forward and strongly considered in your current review process.

Yours Sincerely,

Peter Fletcher
1207/127 Kent Street,
Sydney. NSW. 2000.

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 9:42 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

Categories: Tessa Submissions, non Air BNB run

Submitted on Thu, 12/09/2019 - 21:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Hopper

Name withheld

No

Info

Email

hebejebe@tpg.com.au

Suburb/Town & Postcode

Manly 2095

Submission

I am in full agreement with the Owners Corporation Network (OCN) that:

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.

I would also like to be reassured that all owners and operators of short-term-rental accommodation (STRA) are meeting their various taxation obligations.

I agree to the above statement

Yes

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>Byron Shire Council (BSC) are proposing to reduce STRA to 90 days or less shire wide. BSC is required to prepare “a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area”, as per Ministerial Direction 3.7. They are putting forward via this submission process a request to reduce all holiday letting in Byron Shire to 180 days until such time as they prepare the planning proposal referenced above. They have not made any contact with any relevant parties in determining the impact that this will definitely have on the economy of the towns of the Shire. They are only focused on issues that are experienced in the town of Byron Bay, and not on the detrimental tourism & economic impacts on the other towns eg. Brunswick Heads, New Brighton, South Golden Beach, Bangalow, etc..</p> <p>We agree with the restriction not being imposed in the Byron Shire, except if deemed necessary in Byron Bay itself, which leaves the number of lettable days at 365 days per year.</p> <p>Due to council's negative view on STRA as a whole, we have concerns around council's involvement when determining a properties complying development eligibility.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>

Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p> <p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p> <p>Ours, for example, will show how little of a problem the North Byron Shire is experiencing.</p> <p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>
Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>

Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>
Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p> <p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p> <p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p>

<p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>

<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>
<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
<p>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?</p> <p>Not directly. They can refer to the register</p>

	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p> <p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p> <p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

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 8:51 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

Follow Up Flag: Follow up
Flag Status: Completed

Submitted on Thu, 12/09/2019 - 08:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Peter

Last name

Kavanagh

Name withheld

No

Info

Email

peter.kavanagh@centralcoast.nsw.gov.au

Suburb/Town & Postcode

Wyang, 2259

Submission file

[ccc-submission-2.docx](#)

Submission

See attached 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 4:07 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

Categories: Purple category

Submitted on Mon, 02/09/2019 - 16:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Kennett

Name withheld

No

Info

Email

peter.kennett@glenfieldwaste.com

Suburb/Town & Postcode

Newport 2106

Submission

I have reviewed the draft discussion paper and the proposed plans for exempt and complying development.

I note that it is intended to permit hosted short term stays with respect to Strata properties, and I note that it is intended to encourage compliance with strata by-laws through education and enforcement of by-laws. The current regime of enforcement of by-laws through NCAT is time consuming, expensive and slow. Furthermore, the maximum fines that NCAT is permitted to levy are paltry, when compared with what some properties may lease for when they are the subject of short term stays.

It is my strong view that all Strata Schemes should be permitted to introduce by-laws which prevent any short term stays in their building, whether they be hosted or non hosted. This will result in the whole short term stay "industry" being more self regulatory.

If such a position is not acceptable, then the system of enforcement of by-laws arising out of short term stays should be streamlined and given some real strength, through larger fines and a willingness on the part of NCAT to strictly enforce any breaches.

Kind Regards
Peter Kennett

I agree to the above statement
Yes

From: Mullaway On The Beach <mullawayonthebeach@gmail.com>
Sent: Tuesday, 17 September 2019 10:56 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions

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 including an expensive permitting system.

I use the income as a self funded retiree to support myself and wife.

As a responsible operator, I strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards,
Peter Kristensen

From: Peter Lindley <peter@euroseals.com.au>
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 it enables me to provide primary caregiving to my young children with a part time, home-based business. I have council authorised dual occupancy and comply with all zoning requirements. Being close to Sydney I have a lot of young families with small children come to experience a small, family run farm stay.

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.

Regards,
Peter Lindley
61 Finns Rd
Kulnura, Nsw 2250

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 7:13 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

Categories: Purple category

Submitted on Wed, 21/08/2019 - 19:12

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Mackie

Name withheld

No

Info

Email

peterwmackie@gmail.com

Suburb/Town & Postcode

Ashfield 2131

Submission

I am in favour of the changes especially to the by- laws allowing blocks of units being able to ban Airbnb and/ or other forms of short- term accommodation; we have already had an owner ignore any form of notice or application to other owners for use of her unit as Airbnb: we've had nothing but problems with it; regards P

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: Peter Manson <peter@labelcreations.com.au>
Sent: Wednesday, 11 September 2019 2:21 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...

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.

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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.

Regards,
Peter Manson
Tabalum Rd
Balgowlah Heights, Nsw 2093

From: Peter Markus <pmar_1111@yahoo.com>
Sent: Wednesday, 11 September 2019 2:18 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 offers support to my current and future financial stability. I am over 60 years of age and Airbnb provides a perfect conduit where I can offer my home as a place to come and relax to anyone that has both meet Airbnb vetting as well as my house rules.

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.

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Thank you for reading my submission.

Regards,
Peter Markus
54 Ocean View Dr
Wamberal, Nsw 2260

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 8:47 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

Categories: Purple category

Submitted on Wed, 14/08/2019 - 20:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

peter

Last name

mathers

Name withheld

No

Info

Email

peter@tradinglounge.com

Suburb/Town & Postcode

Blackheath

Submission

Short term accommodation for tourists is necessary in the Blue Mountains NSW

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: Wednesday, 4 September 2019 8:23 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

Categories: Purple category

Submitted on Wed, 04/09/2019 - 08:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Miley

Name withheld

No

Info

Email

mulloes@gmail.com

Suburb/Town & Postcode

Chatswood

Submission

I do support the installation of smoke detectors, fire blankets, escape plans etc. Most short term rentals I've stayed in do have these.

However, most residential houses already have these devices as standard. I would not stay in a rental

that said there was no fire safety devices.

Does adding more "red tape" have any real benefit? I would have thought that people who opened their not often used "beach shacks" would be right across safety issues so that their rental property would get return customers. This sharing accommodation era we're in all relies on reviews.

Finally, why is there a difference between short term and long term rentals? Surely one bill would suit both. I've rented many long term rentals that have no battery operated fire smoke sensors, let alone professionally fitted linked alarms throughout the property.

I agree to the above statement

Yes

From: Peter Moorey <pmoorey@outlook.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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.

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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.

Regards,
Peter Moorey
27-29 George St
North Strathfield, Nsw 2137

From: Peter Morgan <peteredwardmorgan@outlook.com>
Sent: Wednesday, 11 September 2019 2:22 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 provides an opportunity to share and showcase our community through utilising our holiday house.

The village of Mt Victoria has less than 1000 residents and the population has not substantively changed in the last 120 years. About 65% of the houses in the village are holiday houses with most residents coming up from Sydney. The houses are left vacant when not used, and so there are few employment drivers in the area apart from the local school and services. Inviting people from Sydney, interstate, and overseas to stay in these homes has strong community support - the local laundries, restaurants, hotels, garages, supermarkets, orchards, vineyards, wedding destinations, weekend markets, day spas, and other eco and boutique tourism providers benefit. We promote national parks, Jenolan Caves, and sites from Wentworth Falls to Oberon.

The argument that Airbnb hosting detracts from a sense of community is thus manifestly untrue, particularly in Mt Victoria, where our community depends on tourism as a lifeline.

To impose the same legislation on communities such as Mt Victoria as are imposed on inner-city units ignores the unique circumstances of the village. It is a complete misunderstanding of the economic context and community situation of small villages such as Mt Victoria, where the support is great for any form of tourism or visitation.

The BMCC has not consulted with the 600+ community of Mt Victoria, nor given them any voice in its 180-day prohibition of Airbnb.

A further important point is that Airbnb houses are assumed to be more dangerous because the guests are not aware of all the intricacies of the house and the area, i.e. safety concerns. We operate by forwarding guests in advance, full instructions on how to operate each appliance, how to enter and exit the house, local hospitals, doctors, dentists, and safety services. We also ensure guests are advised of the sensitive nature of the local flora and fauna and are provided with comprehensive bushwalking advice developed and made available by local experts. We also purchase many copies of these guides for our guests.

We are immediately responsive to guest requests and needs by phone and have a team of reliable local builders, plumbers, electricians, and tradespeople who provide services to the house.

We have spent many hundreds of thousands of dollars to both comply with Council standards, and to meet high guest standards to enhance the guest experience: providing panoramic valley views, architect-designed living, custom made safety railings, accessible staircases, ducted RC systems, and environmental standards.

We have a number of people in our community who are elderly and who have been unable to sell their homes to be with their children in other places. Some of these houses have been on the market for over 2 years. We cannot consider purchasing these houses for future holiday rentals with this current threat of punitive legislation hanging over our head, as there are no other growth drivers in Mt Victoria.

I would love to see the community of Mt Victoria consulted regarding this legislation as I believe I have the support of the vast majority of local residents in providing the very best accommodation for guests to the area.

Any time a local representative wants to go down the main street of Blackheath and walk into the laundromats or the holiday rental businesses, they will see a very large part of the small economy is based around holiday rentals. I personally abhor the idea that we should be regulated other than by our guests and their reviews. I believe our guests should be free to choose where they wish to stay and how they wish to holiday.

I am happy to meet in Mt Victoria and show BMCC and other government representatives the village tourism opportunity and, having lived in Mt Victoria for the last decade, I am a vocal advocate of the area and its needs.

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

I wish to comply with any future legislation that includes housing occupation certificates, rules on overcrowding or diminishing the guest experience, and any rule that considers the needs of neighbours. But, this should be balanced against the needs of the people of Mt Victoria and the benefits to them of using these largely empty houses.

Specifically, I want to comment on the following:

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:

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Thank you for reading my submission.

Regards,
Peter Morgan
7 Mount Piddington Rd
Mount Victoria, Nsw 2786

From: Peter Murphy <peter@galileofunds.com.au>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 feel it's wonderful to offer travelers the choice to stay in a home and enjoy a local experience, rather than the choices prior to Airbnb which were either cost prohibitive home stays or a generic hotel experience.

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:

I am opposed to 180 day cap per annum when the host isn't present. I feel people should be able to use their properties to provide accommodation 365 days a year and would like to highlight that Sydney has a real shortage of accommodation for traveling families. Also imposing the 180 cap will not lead to an increase in housing in the inner city. It will result in home owners leasing their homes 180 days and then offering short term leases on furnished properties which will only benefit the serviced apartment market.

I also feel that buildings zoned for short stays and serviced apartments should be exempt from the 180 day cap when the host isn't present. Owners of apartments in building zoned for short term stay should not be penalized as they have purchased their property on the basis that it can be leased 365 days a year on a short term basis.

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

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Thank you for reading my submission.

Regards,
Peter Murphy
243 Pyrmont St
Pyrmont, Nsw 2007

From: Peter Murton <pmurton@tpg.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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, since losing my job, i have managed to make ends meet by renting out a spare room in my house. It is not making massive amounts of money, but is better (yet not much unlike having a boarder or renter share) as I have my daughter staying with me, week about, so only have it listed for when she is not here. Something that can't be done by traditional methods.

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.

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- 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.

Regards,
Peter Murton
170 Northcott Dr
Adamstown Heights, Nsw 2289

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 5:10 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

Categories: Purple category

Submitted on Tue, 03/09/2019 - 17:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Nestor

Name withheld

No

Info

Email

nestor@bigpond.net.au

Suburb/Town & Postcode

Milsons Point 2061

Submission

Our building has gone to considerable trouble and expense to ensure the security of property and residents. This security will be undermined by allowing short term renters to access the property without any oversight (through submission of leases). The amenity of owners will also be lessened.

There is no real means to inhibit bad behavior by short term renters in the short term - by the time a complaint is dealt with the offenders are long gone.

I agree to the above statement

Yes

From: Peter Obrien <ptpobrien@yahoo.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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
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Thank you for reading my submission.

Regards,
Peter Obrien
11 Driver Terrace
Glenroy, Nsw 2640

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 6:22 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 18:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

peter

Last name

prideaux

Name withheld

No

Info

Email

dynaflow@netcall.com.au

Suburb/Town & Postcode

byron bay

Submission

Dear Sir/Madam,

I have been a permanent resident of Byron Bay for 52 years and an owner/rate payer of a four bedroom

family residence for 38 of those years. My wife and three children were all born and raised here. We live only a few blocks from the main street and have witnessed the unprecedented growth of Air BnB in our area. For example, of the fourteen residences in our short and narrow lane way that ends in a cul-de-sac, only three premises are owner-occupied...all the others are owned by absentee landlords (mostly from interstate) and short-term rented, either on Air BnB, Home Away or Booking.com just to name a few of the prominent sites, or a .com site sign out front to contact for bookings. This situation has led to late night noise and anti-social behaviour that has seen the gradual loss of amenity for residents, particularly those of us living anywhere near the CBD. I could go on, but rather the purpose of my submission is to urge those in power to implement the guidelines proposed that would view Byron Bay as an exceptional case...i.e. limiting the number of days a property can be short term holiday let. Additionally, this proposed exception if passed needs to be strictly monitored and those found in breach penalised.

Yours Faithfully,
P.J. Prideaux
58 Shirley Lane
Byron Bay 2481.

I agree to the above statement

Yes

From: Peter Robertson <peter@stainedglassworks.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Peter Robertson
45 Mansfield St
Inverell, Nsw 2360

From: Peter Sheehan <peter@upfrontcollections.com.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 at the age of 58 I was made redundant after 28 years of service. I was unable to gain full-time employment and also struggled as a small business- Airbnb has kept me 'afloat'.

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".

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Thank you for reading my submission.

Regards,
Peter Sheehan
83 Palmerston Rd
Hornsby, Nsw 2077

From: Peter Sutherland <petercd49@yahoo.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 for these reasons:

1. We paid about 25% more for our house because it had the potential for facilities for extra accommodation for paying guests.
2. We bought this because we are retired and our superannuation is not enough to live on and we don't want to take out a pension or Centerlink.
3. Also we have a son with severe mental health issues. We heavily subsidise his living and medical costs as the mental health system cannot support him fully. This costs us more than a thousand dollars a month and as he gets older the cost it is steadily increasing.
4. If we have to pay for expensive permits and do expensive modifications to operate these facilities we will not be able to cope.
5. Our guests support the local businesses like restaurants, cafes and transport here in Bangalow and the Northern Rivers as our accommodation does not provide cooking facilities and we do not provide meals.

I can only think that you are doing this to stop subletting and houses being bought to rent out without the owners residing in them. To counter this it would be better if you passed a law stating that the AirBnB owner must proof that they reside in their homes permanently while renting out part of their homes to Air BnB. Or if the owners are residing there part of the year then they should be restricted.

Please consider our situation and our submission to oppose these restricting new laws.

Peter and Gill Sutherland.

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.

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Thank you for reading my submission.

Regards,
Peter Sutherland
824 Friday Hut Rd
Binna Burra, Nsw 2479

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 10:11 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

Categories: recorded in DPIE subs register

Submitted on Tue, 10/09/2019 - 22:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

Templeton

Name withheld

No

Info

Email

peterhtempleton@optusnet.com.au

Suburb/Town & Postcode

Balmain 2041

Submission

I live in a townhouse complex where the neighbouring townhouse has been turned over to STRA by a non-resident landlord, without consultation with neighbours or Strata. Having read the discussion paper

and draft policies on STRA, I do not see much to address the issues people in my block are facing.

The only bright spot I see is limiting STRA to 180 days per year for non-resident hosts. But how is this policed? It appears it will be up to neighbours to keep track of rentals then complain when 180 days is exceeded. It needs more regulation than that.

What our residents' committee would like is to be able to enforce a minimum letting period of three months at a time for non-resident hosts. This would give us a more stable living environment and hopefully give us better guests/tenants. At the moment we don't know from one day to the next who our neighbours will be and how much noise they are going to make at night. This is especially bad in summer when we get a lot of party people coming to Balmain. Furthermore, security in our block is adversely affected as STRA guests have access to the "secure" parking area under the complex.

Having a constant stream of different visitors to the complex affects our peaceful enjoyment of the amenity and affects security. Please put legislation in place that will allow owners' committees to introduce fair and reasonable limits to STRA activity in their strata block. And please, before summer!

Thank you.
Peter Templeton

I agree to the above statement

Yes

From: Peter Tranter <peter@petertranter.com>
Sent: Thursday, 5 September 2019 9:19 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

From: Peter Tranter <peter@petertranter.com>
Sent: Wednesday, 11 September 2019 2:14 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...

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.

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Environmental Planning and Assessment (STRA) Regulation 2019

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Thank you for reading my submission.

Regards,
Peter Tranter
46 Stockton St
Nelson Bay, Nsw 2315

From: Peter Vilimaa <cellitosands@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 travellers wish to stay in our gorgeous village on the lake and there are no hotels/motels here and by allowing hundreds of people per year to stay in my house, we provide additional income for the local community. Also holiday rental supplements our own 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.

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Thank you for reading my submission.

Regards,
Peter Vilimaa
LOT 7167 Sandbar Rd
Sandbar, Nsw 2428

From: peter ward <wardpeter3@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
peter ward
5 Sixteenth Ave
Sawtell, Nsw 2452

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 2:08 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

Submitted on Fri, 30/08/2019 - 14:08

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Peter

Last name

White

Name withheld

No

Info

Email

historicalsocietyue@gmail.com

Suburb/Town & Postcode

Miranda 2228

Submission

94/ 8-14 Willock Ave., Miranda NSW. 22228
30/08/2019

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

RE: Public Opinion Submissions- (STRA) through a state-wide planning framework, a mandatory Code of Conduct and changes to strata legislation.

https://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms?_hsenc=p2ANqtz-8fz1lXoKrQ3HxOZq8BcXmpDSEgkFLq9jifihqTYKPSEjsB-XN9krB-bC6IO9CSCB4B-5CK-AKnWd43IUWwgNC0cf6fns2rsKJ_7ASai-zzpj31FVY&_hsmi=75669311

Dear Reader,

This submission concerns dwellings where short term renters pass from public property through common property (secured entrances, driveways, hallways, garages, swimming pool, barbecue areas etc.) before entering the rented property, most commonly high rise buildings. Issues concerning short term letting in such properties differ from those in privately owned single, stand-alone dwellings, and it is suggested that separate and clearly defined legislation be introduced to deal with short term rentals in each type of dwelling.

The statement that the initiative is 'business led' is totally repugnant. Any progress with STRA should be community led, involving residents who are directly concerned with its effects.

At the present time, short term letting is essentially a private accommodation system often involving tourists, controlled by local councils (in our case Sutherland Council) with opposition and disputes mediated by Fair Trading. Sutherland Council publicly stated in January 2018 that it knows of 300+ owners who are breaking the council's own laws about short term letting. Despite this Sutherland Council has not prosecuted a single known offender, including the offence occurring in our own Strata where due legal process was initiated by our Strata Management Company, Bright and Duggan under Section 121H of the EPA Act reference number CR17-216175 dated 10th April 2018. Council used its discretionary powers not to proceed with prosecution. Response to short term letting needs to be controlled by a body that will respond to the situation, not simply ignore it.

In Strata titled buildings there is already an established authority, the Body Corporate where the members are democratically elected and have the best interest of residents at heart. Unlike Government authorities and businesses, they understand the effects of short term rental on the lives of residents, and the very real concerns they have for their safety and security when strangers have access to common property.

Strata titled dwellings are in effect being forced into accepting short term rental, denying their basic democratic right to decide as a Strata whether or not the practise is agreeable to residents. What the Government fails to understand is that residents want the right to decide not how many days' short term letting will be allowed but whether it should be allowed at all. The current requirement of 75+% of paid up owners deciding at an annual general meeting to ban STRA renting in strata titled buildings should retained in any future legislation and all previously registered STRA banning by-laws recognised

and retained.

Give the Body Corporate the options to decide at a properly convened General Meeting:

1. Whether short term letting should be allowed on their property.
2. The right to impose, should short term letting be agreed to, a legislated monetary penalty to be charged to owners for infringement of short-term letting rules (noise, parking, damage to common property etc.). If the owners don't pay up then the body corporate should have the legal right to impose a lien or caveat placed on the property when sold.
There is no mention of monetary penalties to owners or renters or the likes of "AirBnB" in the draft... a critical omission! The reader (YOU) fully understand that progressive monetary penalties are the most efficient and effective deterrent of any sort of offences- YOU (personally) avoid parking/ standing in no parking zones or exceeding time limits... why because you don't like paying fines!! A recommended legislated scale of fines should be \$100 for the first offence, \$1,000 for the 2nd, \$10,000 for the 3rd, \$100,000 for the 4th etc. All penalties/monies should become the property of the Strata Title Body Corporation to fund building improvements such integrated CCTV recording technology that is of a sufficient quality to be acceptable as evidence in any dispute forum. Owners would quickly get the message to cease and desist and resume normal/acceptable renting practices. If delinquent owners have a dispute, then it should be aired at a special annual general body corporate meeting where the community can make a decision.
3. Make these STRA pieces of legislation open to the NCAT for final adjudication and dispense with the need for Fair Trading to be involved as it is a local community/ body corporate issue and NOT a business trading concern. So, there is no need to establish a new bureaucracy/ and new dispute resolution procedure... Government would save millions\$\$\$ and any adversity would not reflect on State Members and/or local Councillors- and businesses (AirBnB) should stay in the "back seat".
4. Legislate to make local councils obey/prosecute their own zonal restrictions/ development application requirements under sect 121H of the EPA Act and prevent local government from using their discretionary powers for not requiring owners to submit a STRA development and thus preventing body corporates from appealing to Independent Hearing and Assessment Panels (Catch 22).

Regards
Peter White

I agree to the above statement

Yes

From: Peter Xiao <xiaotianba@hotmail.com>
Sent: Wednesday, 11 September 2019 2:18 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...

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.

Regards,
Peter Xiao
2 Reed St
Cremorne, Nsw 2090

From: Peter Zorbas <p_zorbas@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 being a part of a worldwide community. I am proud of the work I do and the appreciation my guests show towards my efforts and the respect they show for my property.

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. This is just over the top and let's not continue to be known as the nanny state of Australia. Let's be progressive and welcoming and make it a fair and easy system that respects the community but not to the extent to make it onerous on hosts. Are you trying to cripple the system?

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

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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.

Don't let a few bad stories taint what is otherwise a fabulous community of good people hosting respectful guests and building the reputation of this state. Don't become the nanny state and lose our national and international appeal.

Thank you for reading my submission.

Regards,
Peter Zorbas
28 Pelican St
Darlinghurst, Nsw 2010

From: Petra Hilsen <petrahilsen@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 love hosting and sharing my home with national and international guests. I like to bring people to Newcastle. Home sharing as in Bed and breakfast has been around forever.

The Airbnb host community depends on hosting as an economic lifeline to help me pay the bills. At my age I struggle to get a job in Newcastle. I also recommend my favourite cafes, galleries, museums, 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".

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Thank you for reading my submission.

Regards,
Petra Hilsen
1 Beach St
Newcastle East, Nsw 2300

From: Phil Stubbs <philipjohnstubbs@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Phil Stubbs

Regards,
Phil Stubbs
335 Clovelly Rd
Clovelly, Nsw 2031

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 10:22 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 10:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Philip Jack

Last name

Richards

Name withheld

No

Info

Email

hfpr@bigpond.com

Suburb/Town & Postcode

Clareville N.S.W.

Submission file
[sta-response.docx](#)

Submission
Please see attached submission file

I agree to the above statement
Yes

Fire and Safety Requirement for Short Term Rental Accommodation Properties

Via the introduction of Clause 186V and W into the *Environmental Planning and Assessment Regulations*, short term rental properties that are exempt or complying developments (under the proposed *State Environmental Planning Policy (Short Term Rental Accommodation) 2019*) must comply with new fire and safety requirements. As exempt developments do not require any application to council nor any independent certifications (which would otherwise include certification that the required fire and safety requirement are complied with), how are guests to be satisfied that all properties the subject of short term rental activities comply with these vitally important requirements? Self-certification will NOT work: the safety of guests is NOT something that should be left to the premises owners who are in a total conflict of interest position. **It is suggested that the Host must provide to the booking platform (and the booking platform must display) an annual (or such period not exceeding 5 years) independent certification that the fire and safety requirements have been met.** Whilst acknowledging that this is a small additional cost to the Host, this cost is significantly outweighed by the improved safety for all Guests.

Code of Conduct – Complaints

1. At Clause 5.5.2(a), Guests must not ...interfere with the peace and comfort of neighbours and other occupants of the premises or any immediately adjoining premises (emphasis added). **There is a drafting inconsistency here** – who are the parties that can not be interfered with (and by definition, complain) – neighbours generally or only those in immediately adjoining premises.

My view is that it should be to ANY neighbour interfered with – neighbourhoods are not homogeneous in their layouts. In our neighbourhood, we are in a bay. Sound travels over water much greater distances and people on the other side of the bay are as much inconvenienced by recalcitrant guests as are immediate neighbours. It is suggested that the words “or and immediately adjoining premises” be deleted.

2. The construct of the Code appears to be that Guests are responsible for their own actions (e.g. 5.5.2) and that, as a consequence of this, a complaint regarding a contravention of Clause 5.5.2 can only be made against the Guest (with the ultimate consequence that the Guest could be placed on the Exclusion Register). However, it has been our experience already that the behaviour of guests is often heavily influenced by the behaviour or direction of the Host (in our example, the Host has made it clear that Guests are more than welcome to play music outdoors (loudly), albeit to the detriment of neighbours). **The Code of Conduct does not provide a remedy against Hosts for the continued contravention of the Code by Guests. I believe that the Code of Conduct should also make provision for a two-strike provision against the Host for Guest’s contravention of the Code** – the Code must make Hosts ultimately responsible for the behaviour of Guests as it is the Hosts who;
 - a. in the first instance, would liaise with Guests when a Complaint is made and therefore heavily influence the outcome of the Complaint in the first instance; and
 - b. as noted above, it is the Host that can heavily influence the potential behaviour of Guests.

Thankyou for affording me the opportunity to provide these comments.

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 2:40 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 14:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Philip John

Last name

pountney

Name withheld

No

Info

Email

philip@pountney.org

Suburb/Town & Postcode

Byron Bay 2481

Submission

Having lived in Byron Bay for 25years I have been shocked by how damaging to the community the Short Term Holiday Letting, notably Airbnb, is having on our life. Often the accommodation has no owner or

tenant home and that leaves it open for holiday makers to be as noisy and antisocial as they like. It also means that local people are locked out of a home in the shire because of the shortage of and incredibly expensive housing stock caused by STHL. This place is very community focused and to have that eaten away without any concern is shameful. If we don't care for one another and the diversity of our land then the outcome looks bleak indeed.

This town experiences a high number of tourist, which means we have unique problems that have to be dealt with, as mentioned above. STHL need to regulating in a sympathetic way that takes into account the community of people who live here. With the proper controls in place everyone can have a bit of the cherry.

I agree to the above statement

Yes

From: Philip Martin <philmartin_2000@yahoo.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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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.

Regards,
Philip Martin
101 Boundary Creek Rd
East Wardell, Nsw 2477

From: Philip Plasto <philplasto@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

We are older and retired, it gives us a way of living above the poverty line. We deliberately built this house specifically set up and approved by council to run a BnB. If this legislation goes through we will become fully dependant on the aged pension. Is a way of saving tax payers money.

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.

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Thank you for reading my submission.

Regards,
Philip Plasto
53 Silverdown Way
Orange, Nsw 2800

From: Philip Uys <philip.uys@globe-online.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 provides a fair go both to myself as home owner and to tenants.

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
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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.

Regards,
Philip Uys
7 Northwood Dr
Kioloa, Nsw 2539

From: Phill Kairys <philkairys@gmail.com>
Sent: Thursday, 5 September 2019 10:06 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Flagged

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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. Recreation & leisure time is a positive influence on community & needs to be affordable & available. Unnecessary complications further add to community costs & will restrict access to this positive influence on community, social needs must be addressed as a priority.

Sincerely
Phillip Kairys

From: Phillip mason <phillip.mason@ami-media.net>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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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.

Regards,
Phillip mason
20B Derby St
Vaucluse, Nsw 2030

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 3:01 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

Categories: rob submission 2.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 15:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Phillip

Last name

Meehan

Name withheld

No

Info

Email

psmeehan@bigpond.com

Suburb/Town & Postcode

East Ballina 2478

Submission

My wife and I currently host STRA in a 'granny flat' apartment which is part of our detached house. We are always present as hosts and the income is vital to our retirement income stream. We receive

wonderful reviews from guests and our neighbours are supportive as no inconvenience ever occurs to them.

I support all aspects of the proposed plans. Safety and appropriate regulations are supportive of hosts, guests and neighbours.

It is important that the benefit of STRA to the economy of local communities and the state is recognised and valued. The structure of 'holiday and travel' accommodation has changed dramatically since on-line platforms came into being. There is now a much greater volume and diversity of accommodation and it has led to a huge increase in traveller numbers across the state. Quite simply, traditional accommodation providers cannot alone provide the volume and diversity of accommodation that is being taken up by today's travellers.

It is important that the provisions for 'hosted' STRA remain as currently stated; Exempt development for 365 days per year. There should be no move to allow Councils to seek a lower number of days, as is the case for non-hosted STRA.

While there are some complaints about STRA, the vast majority occur without inconvenience to others. This must be recognised in the big picture.

I agree to the above statement

Yes

From: Phillip Moore <stainless17design@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

As usual, the government is focusing on the WRONG areas to improve our way of life and community.

So, WAKE UP and try doing a reasonable job. after all you are all paid by us - the tax paying public.

Sure, regulate in a sensible manner, where people may be requiring, for example, party houses to be sorted. We live on 77 acres and nobody is affected by our hosting.

If we dont host we will become just another burden on the government.

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.

There is NOT enough of the appropriate type of lodging in our area to meet the needs of established businesses

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".

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Thank you for reading my submission.

Regards,
Phillip Moore
5B Giles Rd
Seaham, Nsw 2324

From: Phillip Terry <phill@figtreebend.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Phillip Terry
584 Bruxner Hwy
South Gundurimba, Nsw 2480

From: Phillip Walker <kimboandphil@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Phillip Walker
3 Barclay St
Gerringong, Nsw 2534

From: Pia Dollmann <cicadas@bigpond.com>
Sent: Wednesday, 11 September 2019 2:17 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 want to provide my feedback on the Government's proposed regulations.

I host on Airbnb because it allows me to share my weekender with interesting travellers.

The Airbnb host community provides important economic opportunities in regional Australia and help us pay the mortgage and the bills. As a host I can add to the tourism experience with my local knowledge and personal expertise of my local environment and community. This boosts local small businesses 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".

I oppose the requirement for costly complying development permits. This will make hosting so much more difficult and the red tape will be discouraging for many hosts, and so reduce the tourism experience to the usual same/same that is so uninspiring. 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. These proposed permits will end up making holidays across NSW more expensive, encouraging tourists to holiday overseas instead.

Environmental Planning and Assessment (STRA) Regulation 2019

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Thank you for reading my submission.

Regards,
Pia Dollmann
Pilot St
Urunga, Nsw 2455

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 8:15 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 20:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Pina

Last name

Hollings

Name withheld

No

Info

Email

hollings1@bigpond.com

Suburb/Town & Postcode

Milsons Point 2061

Submission

I am totally opposed to the proposed STRA reforms for the following reasons:

Not all apartment buildings have the amenities to cope with STRA

They will be in conflict with by-laws registered that do not allow for short term rental

Effect on fire regulations - how will this be managed?

Damage that may be caused to common property and costs involved for repairs

Insurance ramifications.

I agree to the above statement

Yes

From: Audrey Marsh <audrey.marsh@planning.org.au>
Sent: Friday, 13 September 2019 3:21 PM
To: DPE PS STHL Mailbox
Subject: PIA STRA Regulation Submission
Attachments: PIA STHL regulation submission.pdf

Categories: Tessa Submissions, non Air BNB run, Attachment to previous sub

To Whom It May Concern:

Please find attached PIA's submission regarding the STRA regulatory framework.

Thank you for considering this late submission.

Kind regards,

Audrey Marsh | MPIA
Policy Officer

Mobile: 0431 019 989 | **Email:** audrey.marsh@planning.org.au
Suite 10, Level 21, 233 Castlereagh Street SYDNEY NSW 2000

I work Tuesday, Wednesday and Friday.



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From: Sophia Kevans <sophia@poetscottage.net>
Sent: Thursday, 5 September 2019 12:21 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and the code of conduct. However, I strongly 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.

1. The proposed maximum of 2 guests per bedroom is too restrictive and highly punitive. A couple with a young baby cannot sleep in the same room as their child - this is unfair to the parents and their baby.
2. The requirements to meet bushfire regulations would be financially prohibitive to owners and would force many owners out of the industry. This would have a major impact on towns that rely on tourism. A more sensible option would be that STR's in bushfire areas must clearly disclose this in their advertising and have a bushfire evacuation plan clearly displayed at the property.
3. Why would restrictions be placed on short-term accommodation providers and the same rules not placed on long-term rentals? - particularly with regard to fire safety.
4. We support having an industry that has professional standards and a clear framework in place in order to eliminate unprofessional operators.
5. We hope that the process to add guests to an exclusion register is a straightforward one as currently guests that cause damage or issues at properties often escape punishment due to the protection of booking platforms.
- 6. The restriction of 180 nights on properties in the Blue Mountains would be extremely damaging to tourism in this area and should be abolished.**
7. Property managers should be supported throughout the changeover process by a designated government body including free legal advice on the changes and a specific account manager that we can receive support from.
8. The changes should be supported by significant investment in technology in order to reduce manual processes (e.g. guest exclusion register portal).

Thank you for your consideration of this matter.

Kind regards,

Sophia 

Poet's Cottage - Blue Mountains Tranquility

Mobile: 0477993307 (please SMS for immediate response)

Winner TripAdvisor Award for Excellence - 2019, 2018, 2017

Winner [Booking.com](https://www.booking.com) Guest Review Awards - 2018, 2017

Winner TripAdvisor Top Vacation Rental - 2013

Visit the cottage website: www.poetscottage.net

Follow us on Instagram #poetscottageaustralia

From: Polly K <pollyteam@yahoo.com>
Sent: Wednesday, 11 September 2019 2:14 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.

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Thank you for reading my submission.

Regards,
Polly K
8 Westbourne St
Bexley, Nsw 2207

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 3:58 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category

Submitted on Tue, 20/08/2019 - 15:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Polly

Last name

Seidler

Name withheld

No

Info

Email

polly.personal@gmail.com

Suburb/Town & Postcode

Darlinghurst

Submission

Please allow strata schemes to refuse short term leasing and likes of airbnb. It means unknown people are staying on property - with no accountability for noise and other behaviour & draining use of common resources.

Also landlords cannot monitor if their tenant is unlawfully subleasing space - unless there is a register of premises being offered for short term leasing. And the user of like of aribm may be having a landlord exposed to risk which insurance does not cover- all because much short-term stays happen without landlord consent. Lanflord has no effective remedy if damage done and insurance not cover- the authorising tenant rarely has assets for authoring airbnb etc. I note that airbnb does not disclose address until someone makes a booking- so landllords not know if their property is being offered for short term sub-lease or licence.

Short term leasing can kill communities as residences are only occupied by short-term visitors and this makes it even harder for local citizens to find long term place to rent - let alone havr community help for say school canteen.

Many european cities have banmed or highly regulated the likes of airbnb & i ask that NSW do the same.

Also there is confusion on whether airbnb is even a lease (as victorian tribunal says) or mere licence (seems to be current law).

Please allow strata schemes to ban short term leasing or licensing. Also require any short term lease or licence of premises to be on a public register so all can monitor for unlawful sublicensing.

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: Poppy Langlands <poppydaveliam@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
Poppy Langlands
440 Wilson St
Albury, Nsw 2640

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

Dear Sir/Madam,

Re: Submission on Short-term Rental Accommodation Reforms

Thank you for the opportunity to provide a submission on the draft short term rental accommodation reforms. The aims and objectives of the reforms are supported, in particular the reforms directed towards increasing public safety and addressing the risks associated with this category of tourist and visitor accommodation.

Port Stephens continues to be a destination of choice for domestic and international tourists, many of which choose to stay in short-term rental accommodation. Domestic tourists in particular are more likely to choose this form of tourist and visitor accommodation. The availability of short-term rental accommodation in Port Stephens supports the tourism industry in our region, the benefits of which flow to local businesses, including cafes and restaurants and tour operators, through to the wider Port Stephens economy.

Port Stephens Council (Council) currently regulates short term holiday letting under the *Port Stephens Local Environmental Plan 2013* (PSLEP). Short-term tourist accommodation does not require approval for any person to stay for a maximum period of 60 consecutive days in a 12 month period, if it does not interfere with the amenity of the neighbourhood by noise or traffic generation. This has enabled Council to manage impacts on neighbourhood amenity through compliance activities.

The proposed reforms will repeal the provisions of the *Port Stephens Local Environmental Plan 2013* that regulate short-term tourist accommodation and introduce a Code of Conduct to manage amenity impacts. Currently, Council is not proposing to 'opt-in' to the proposed reforms to cap un-hosted holiday letting. This will effectively retain the current position under the PSLEP, given Council focuses compliance activities on managing the amenity impacts of short-term holiday letting rather than enforcing the maximum cap under the PSLEP. It is noted that responsibility for compliance in relation to these issues will be transferred to Fair Trading NSW under the proposed Code of Conduct.

Amenity impacts associated with short term holiday letting can be a key issue in the community. Council would support reforms that provide an adequate framework for

managing issues associated with short-term holiday letting such as noise, antisocial behaviour and parking.

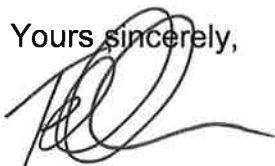
In relation to the proposed register of properties for short-term rental accommodation, local councils will need to use the information on the register to not only enforce compliance with any thresholds, but also to properly investigate allegations of short-term holiday letting occurring without necessary approvals or in contravention of required standards. The data will also be useful for councils to inform local housing strategies which are required to be prepared under relevant regional plans. Understanding permanent occupation rates and the number and location of unoccupied dwellings can assist in planning for future housing supply.

Short-term holiday letting can also impact the availability of longer term rental accommodation stock. In Port Stephens, current data shows that capping holiday letting will be unlikely to significantly impact the availability of longer term affordable rental housing in our local government area, given the majority of the vacant homes are located in coastal areas and there is identified affordable rental supply in other parts of Port Stephens. Council will investigate mechanisms to boost supply of more affordable housing through the Local Housing Strategy. Housing supply and affordability will continue to be monitored and it is noted that there will be opportunities to 'opt-in' and cap short-term holiday letting in the future if necessary.

Council is supportive of introducing reforms that will make this type of tourist and visitor accommodation safer. As the reforms will repeal the current local provisions that enable Council to manage the amenity issues associated with short term holiday letting, the proposed Code of Conduct must ensure a robust framework and compliance actions taken under the Code must be responsive to community concerns.

Should you wish to discuss this or any of the other issues identified above, please contact Elizabeth Lamb, Strategic Planning Co-ordinator on 4980 0293 or by email on Elizabeth.Lamb@portstephens.nsw.gov.au.

Yours sincerely,



Tim Crosdale
Group Manager Development Services

11 September 2019

Submission on short-term rental accommodation reforms

This submission is on behalf of myself and my wife, who are joint owners of a Lot in a Strata Plan. This is our home, and we value the peace and security that comes with living in a residential Strata building whose other occupants, like us, are long-term residents.

We recognise that, inevitably, there is, and will be, turnover among the occupants of such buildings, but we constitute a reasonably stable and integrated community, with a set of behavioural norms to which we adhere. One of the standard By-Laws applying to Strata properties is that relating to noise: *“An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.”* There are others which relate to damage to common property, and to plants and lawns, to the behaviour of occupiers, and to car parking, smoke penetration, and fire safety.

The implementation of the proposed short-term residential legislation and regulations will change the current function of By-Laws, which are an important means by which Owners' Corporations manage their properties, based on consensus among the current owners. The proposed legislation and regulations, if approved as proposed, will put this model at risk, notwithstanding the alleged safeguards which have been put forward. These safeguards do not provide an effective mechanism by which those who fail to comply with By-Laws can be brought to account. Other submissions will no doubt point out the deficiencies of the proposed safeguards in detail, but the notion that disruptive behaviour can be prevented by a registration system is the ultimate example of shutting the stable door after the horse has bolted – and will not be acceptable to those of us whose peaceful enjoyment has been disturbed, and who will be left to clean up the mess - literally.

Owners' Corporations must retain the option to enact and enforce By-Laws which protect owner occupiers, and are not overridden by either local or state governments. These must include By-Laws relating to limitation of short-term letting.

Minister Stokes is on record as saying that the proposals are relatively liberal by world standards and would allow the [Airbnb] industry to develop by itself. This liberality is for the benefit of local and global business interests, at the expense of the voters and taxpayers who have put him in government, and who pay his salary. This must not be allowed to happen.

We hope that common sense will prevail, and that the legislation and regulations will be constructed and operated in a way which does not put at risk our peaceful enjoyment of our home.

Prof Rufus Clarke MA MD PhD MPH FRACS FAFPHM
Ms Jeanette Sheridan RN MMgt MA MPolEcon

From: Dr Adrian Carr <Adrian.Carr@picagroup.com.au>
Sent: Tuesday, 10 September 2019 12:23 PM
To: DPE PS STHL Mailbox
Subject: Submission re: Short-term rental accommodation
Attachments: PICA Submission on STRA.pdf

Categories: recorded and not sent to DCS, recorded in DPIE subs register, Purple category

Dear Director of Housing and Infrastructure Policy,

Attached is a copy of a submission from Prudential Investment Company of Australia Pty Ltd. (PICA) regarding the proposed government framework for short-term rental accommodation.

Please confirm receipt of this electronic copy. A hard copy is being forwarded through express post.

Kindest regards

Adrian Carr

Dr Adrian Carr
Manager of Regulation & Licensee-in-Charge
Level 27, 66-68 Goulburn Street, Sydney NSW 2000
Locked Bag 22, Haymarket NSW 1238

p : 02 8216 0484
e : adrian.carr@picagroup.com.au
w : www.picagroup.com.au



PICA
PROPERTY & FINANCIAL SERVICES

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Recipient of the SCA (NSW) 2017 Recognition Award

Please consider the environment before printing this e-mail

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 7:20 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 07:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Prue

Last name

Regan

Name withheld

No

Info

Email

prueregan@yahoo.com.au

Suburb/Town & Postcode

Suffolk park

Submission

I write as a permanent resident of Byron bay.it is a beautiful place attracting 2.2 million visitors a year , the majority local visitors but also national and in ternational visitors.

Underneath this all is a well functioning essentially family town with sporting , educational and cultural activities which locals support with lots of voluntary effort and concern and pride.

With low interest rates and high house prices and extraordinary rents that can be charged here, investment houses have become dominant.they are located throughout the community but with high rents and party times are often rented to large numbers of people necessitated by the need to share rents.

There would not be a street not affected by this often disruptive behaviour night and day by some pretty ugly noise and conduct of visitors.

Please despite our beauty and attractiveness allow us to keep our neighbourhoods and limit us as promised by Ben Franklin to the exception of 90 days limit and reconsider the 3 week exception although I can see it's directed at more stable renting.

Please let us keep Byron bay as a functioning town and not let air bnb change it forever, thereby killing its golden egg.

With thanks

I agree to the above statement

Yes

From: Qiong Tang <kim.qiongtang@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 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 in my area, it is fairly difficult to find a long-term housemate with a reasonable price. I have been living in a two bed unit by myself for the majority of the time in the past three years.

Putting my spare room on airbnb provided me a different channel to effectively rent my room out from time to time. The little income received from the travellers or local visitors helped to cover a very small portion of bills. Surrounding cafes, restaurants and shops also benefit from this increased traffic.

In a current soft economic condition, stagnant wage growth, rising and unaffordable housing costs especially in Sydney, I feel disheartened and deeply saddened by the little concern that NSW Government have had for average household. I am deeply concerned that the NSW Government's proposed short-term rental accommodation (STRA) rules will make it much harder and more expensive for me and others to make use of their spare room.

Anticipated consequences would be fewer houses or apartments would be eligible to be listed on the airbnb or it would be costly or troublesome to get it listed. The concept of gig economy is really about the mutual private exchange of services and monetary rewards that fall short from the commercial accommodation and traditional income distribution structure. Shouldn't government be more supportive and lenient to citizens who find an additional channel to contribute to the financial wellbeings privately and economic health community wise.

Thank you for reading my submission.

Regards,
Qiong Tang
33 Moruben Rd
Mosman, Nsw 2088

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 12:29 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 12:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Quentin

Last name

Wright

Name withheld

No

Info

Email

gawright1@gmail.com

Suburb/Town & Postcode

Byron Bay

Submission

I want to register my concern of the current policy on short term rental.

In the town in which I am a community member we have a severe shortage of long term

accommodation due to a high percentage of houses being used for holiday let.

This has a number of detrimental effects on our community. It causes a shortage of houses available for long term rent forcing rental rates to a near impossible level for normal working families or single people. This either results in overcrowding with people having to share rooms in order to reduce the rent(ie. slum landlords) or forcing people to live out of town and travelling unnecessary distances to their place of work. The ongoing effect of this is severe congestion on the roads into town (Byron Bay only has two entrances to town - north and south).

We have whole streets where there is only an occasional permanent resident. There is effectively no community in these streets. The knock on effect of this manifests itself in numerous ways.

Short term rental policy needs to take these situations into account.

I agree to the above statement

Yes

From: Quynh Phan <quincyphan@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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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.

Regards,
Quynh Phan
1-5 Harwood St
Pyrmont, Nsw 2009

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>We do not agree with a reduction of lettable days from 365 days per year in the Tweed Shire.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>
Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p>
	<p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p>
	<p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>

Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>

Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p>
	<p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p>
	<p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
	<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
	<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
	<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
	<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>
	<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>

	<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
	<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
	<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
	<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
	<p>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?</p> <p>Not directly. They can refer to the register</p>
	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p>
	<p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p>
	<p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

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 8:50 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 20:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rachael

Last name

Griffin

Name withheld

No

Info

Email

rachael@tweedbillabong.com.au

Suburb/Town & Postcode

Tweed Heads South

Submission file

[tsc---stra-code-of-conduct-and-registration-feedback.pdf](#)

Submission

Please see attached

I agree to the above statement

Yes

From: Rachel Jackson <rachelandandrew@bigpond.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

Regards,
Rachel Jackson
12 Frolic St
Gerringong, Nsw 2534

From: Rachel Pearson <rachelbythec@gmail.com>
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 I love my community and local surrounds, I have close interaction with my guests so I can be more careful with who stays and our local economy thrives because of it.

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Regards,
Rachel Pearson
64 Blackbutt Ln
Broken Head, Nsw 2481

From: Rachel Smith <rachel_smith1@mac.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Regards,
Rachel Smith
8 Phillip St
Redfern, Nsw 2016

From: RAE HARVEY <rae2808@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Regards,
RAE HARVEY
1443 Runnyford Rd
Runnyford, Nsw 2536

From: Raelene Cunningham <rae@cunninghamslaw.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Raelene Cunningham
334 Moorilda Rd
Moorilda, Nsw 2795

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 2:48 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 14:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Ranald

Last name

Macdonald

Name withheld

No

Info

Email

ranaldmac@gmail.com

Suburb/Town & Postcode

Suffolk Park NSW 2481

Submission

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 legislation.

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.

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: Tuesday, 10 September 2019 1:16 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 13:13

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Allan

Last name

Graham

Name withheld

No

Info

Email

allan.graham@randwick.nsw.gov.au

Suburb/Town & Postcode

Randwick NSW 2031

Submission file

[randwick-city-council---submission---short-term-rental-accommodation---nsw-fair-trading-and-nsw-planning---10-sept-2019.pdf](#)

Submission

Please find attached Randwick City Council's Submission - Short-term Rental Accommodation Regulation

I agree to the above statement

Yes



The Director
Housing and Infrastructure Policy
NSW Department of Planning, Industry and
Environment

10 September 2019

Ref No: D03653185

Dear Sir/Madam

Re: Short-term Rental Accommodation Reforms

Randwick City Council thanks the NSW Department of Planning, Industry and Environment, and the NSW Department of Customer Service for the opportunity to make this submission in regard to the suite of proposed reforms to bring about the legislative framework for the use of residential premises for the purpose of providing short-term rental accommodation (STRA).

The following information is provided having regard to the matters outlined in the Discussion Paper titled "*Short-Term Rental Accommodation – A new regulatory framework*" dated August 2019, the suite of draft documents that make up the total reform package and Council's previous submissions made to Government as these reforms have developed.

DRAFT - State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (Proposed SEPP)

Council supports the Proposed SEPP being a 'standalone' instrument as opposed to amending the Exempt and Complying Development Codes SEPP. Given that this type of *development* will be carried out, in the main, by 'mum and dad' property owners, simplified access to the particular planning controls contained in a single subject EPI is preferable. The following comments are provided in respect to the Proposed SEPP. This could include a short easy to understand explanatory guide including step-by-step instructions and where to get help.

The following specific comments are provided in respect to the Proposed SEPP:

Clause 9(2)(c)(i) should make it explicit that the 'building' in which *the dwelling* is situated in is the subject of a current *fire safety certificate* (FSC) or an *annual fire safety statement* (AFSS). For example, it is unlikely that an individual *dwelling* within a Class 2 residential flat building would or could be capable of being the subject a FSC or AFSS. The entire *essential fire safety measure* certification regime contained at Part 9 of the *Environmental Planning and Assessment Regulation 2000*, relates to the "whole building" and not elements of the building (such as a *dwelling* within the building) viewed in isolation. For this purpose the Proposed SEPP should replicate clause 1.16(2) of the General requirements for exempt development consent contained in the Exempt and Complying Development Codes SEPP.

The provisions of the Proposed SEPP in respect to the use of premises for STRA on a *flood control lot* seems overly restrictive and onerous. It is Council officers' view that guests in STRA are at no greater in an area subject to periodic flooding than occupants of other types of residential accommodation such as *boarding houses* and various classes of *tourist and visitor accommodation*. These provisions should be simplified or removed.

The proposal to exclude any bookings that are for a period of 21 consecutive days or more for non-hosted STRA (clauses 12(2) and 13(2) of the Proposed SEPP) is not supported. Council officers are of the view that there is no correlation between the period of short-term accommodation and a reduction in amenity impacts. It has been Council's experience that guest behaviour has the dominant impact on "amenity". This is influenced more by the number, type and make-up of "guest" and their activities rather than the length of stay. Council is not aware of any evidence, empirical, anecdotal or otherwise, that supports the proposition that there is some nexus between amenity impacts and duration of stay. It is suggested that the 21 consecutive day period should be removed and reconsidered if necessary after the first 12 month review of the new policy framework when data and outcomes are available.

Affordable housing supply

The proposed policy framework has not addressed or referenced the impacts of short-term lettings on the supply of long term rental accommodation and specifically affordable accommodation. This is a key matter raised in Council's previous submission. In inner coastal areas such as Randwick City, there has been a significant increase in the number of short-term holiday rentals in recent years (facilitated by on line platforms) and it is necessary that reliable data be readily accessible to assist in monitoring the long term housing market and affordable housing impacts. The continuing decline in housing affordability and the need for more affordable rental housing are critical housing challenges for the LGA. Randwick City's high land values, coupled with significant numbers of students, key workers and an aging population makes the delivery of affordable rental housing a priority for the area. To assist in mitigating the impacts on affordable housing (as previously suggested in Council's submission), a local levy on on-line short-term rentals collected at the time of booking should be introduced and applied to council's affordable housing schemes. Council will also be seeking a reduction in the maximum number of days that non-hosted residential premises can be used for short-term rental accommodation to 90 days instead of the proposed 180 days per annum. This mitigates the housing losses whilst providing a more balanced approach recognising the local economic, tourism and social benefits of short-term rental accommodation.

DRAFT - Code of Conduct for the Short-term Rental Accommodation Industry (Draft Code)

Council supports the Draft Code for the purpose of setting out participant responsibilities and enforcement of the new framework.

To ensure the effective of the Code, it is important that it recognises the enforcement role of Local Government. The Draft Code should contain a provision, similar to that contained in clause 5.1.3, which compels an industry participant to provide, upon request, information in respect to a residential premises to which a *short-term rental accommodation arrangement* applies to the council of the area in which the premises is situated. This information may include (but not limited to) the following details:

- a) property details (e.g. registered proprietors, address, etc)
- b) copies/details of any short-term rental accommodation arrangement
- c) the number of days that the premises has been used to provide STRA in any given period
- d) contact details of the *host* as defined by the Draft Code

Failure to provide a council with this information should be an offence for the purpose of s. 54C of the *Fair Trading Act 1987*.

DRAFT - Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019 (Draft Fair Trading Reg)

Council supports the Draft Fair Trading Reg as drafted. Consideration should be given to create a specific provision which would permit a council authorised officer to issue a penalty notice in

respect to an offence against s. 54C of the *Fair trading Act 1987* in circumstance where the offence is committed for not providing information requested by a council (see above). It is noted that for the purpose of issuing penalty notices s. 67(7) of the *Fair Trading Act 1987* permits the Secretary (the Commissioner for Fair Trading) to appoint authorised officers. The Secretary, upon request from a council, may considered appointing certain council officers as *authorised officers* for the purpose of issuing penalty notices for specific offences against s. 54C of the *Fair Trading Act 1987*.

In addition to defining a *short-term rental accommodation arrangement* as provided for in s. 54A of the *Fair Trading Act 1987*, it is the view of Council officers' that a prescribed standard form should be developed and included in a Schedule to the *Regulation* (e.g. the Standard form residential tenancy agreement is prescribed in Schedule 1 of the *Residential Tenancies Regulation 2010*). This would bring uniformity to the agreement at the same time better protecting each party's rights, assist in resolving disputes and eliminate ambiguity.

DRAFT - Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2019 (Draft EP&A Reg)

The DRAFT EP&A Reg is supported, including the creation of an offence against the Regulation for conducting STRA absent of complying with the *short-term accommodation fire safety standard*. However, it is Council officers' view that the Draft Short-term Rental Accommodation Fire Safety Standard requires amendments to its current drafting (see below).

DRAFT - Short-term Rental Accommodation Fire Safety Standard (Draft Standard)

It is Council's view that there are aspects of the Draft Standard that are confusing and poorly drafted.

It is Council officers' opinion that the starting point for the provision of STRA in Class 2 – 9 buildings is that these buildings must be the subject of a current FSS or an AFSS. In respect to the Section 5 – Dwellings in a Class 2 building and Class 4 part of building of the Draft Standard, these provisions are confusing and do not distinguish between what measures are required within the sole occupancy unit (the *dwelling*) and the rest of the building. For example, when one reads 5.1.1(a) (iv) does this mean that in a Class 2 building that has one or more levels of basement parking that the parking areas require smoke alarms to be installed?

Similarly, for the purpose of 5.2.1 is the evacuation lighting required in the corridors and hallways of the whole building or just the corridors or hallways in the sole occupancy unit? As such, it is necessary that the Draft Standard be redrafting to clearly distinguish what fire safety measures are required to be installed within the sole occupancy unit being used for STRA and what fire safety measures are required for the rest of the building.

In summary, the STRA fire safety provisions to be provided in a dwelling/sole occupancy unit that is providing STRA must stand alone from the existing fire safety measures in the remainder of the building which are the responsibility of the owners of the building (e.g. owners corporation).

Council generally agrees with the requirements contained within Section 4 – Class 1a Dwellings of the Draft Standard. However, in certain Class 1a building configurations such as a *semi-detached dwelling*, 4.1.2 of the Draft standard could potentially effect a garage on a separate allotment. This provision of the Draft Standard should be amended to replicate the National Construction Code in that the provision only relates to a garage below a dwelling that it is not associated with.

Proposed Register

It is Council's position that a Register, with statutory registration requirements, is imperative to the effective operation of the entire STRA regulatory framework. Council agrees with the

proposition contained in the *Discussion Paper* that an industry-led STRA register would be the most effective method to develop and maintain the Register. This is particularly the case as an essential operational requirement that the information be kept on the Register be in “real-time”. The Registered should be made readily accessible to Local Government in real time.

Council also agrees with *Discussion Paper* as to the type of information/data that is to be contained in the Register. In this regard, it is essential that the Register reflects, in real-time, the number of days used and number of guests accommodated at a premises otherwise enforcement of the Proposed SEPP requirements will be virtually impossible. The register should also indicate whether the premises is *hosted* or *non-hosted*.

A further considerations should be the introduction of an offence for failure of a *host* or *letting agent* to register a premises prior to using the premises for STRA. A separate offence should also be created for carrying out STRA absent of a STRA arrangement.

Commencement

Council supports the staged implementation option for the reasons outlined in the *Discussion Paper*. This will allow for stakeholders to develop and implement the various processes in place required by the new STRA framework. It is important the industry participants are supported by Government through this process. It is particularly important that the development of the STRA Proper Registered is developed in close consultation with Local Government.

Given that the centrepiece to the effectiveness of the whole STRA framework will be a well-designed property Register, Council suggests that a “STRA Register Development Group”, including representatives from Local Government, be established which brings together all relevant stakeholders. This will ensure that the design and implementation of the Register caters for all the prospective ‘users’ of the Register. This group could also serve to determine the parameters for what information contained on the Register should be accessible to the public and set any necessary reporting requirements.

Review

Council supports the proposed Government review of the STRA regulatory framework 12 months after all the policy elements have commenced, including the scope of the review as proposed by the *Discussion Paper*. It is envisaged that conducting the review 12 months after commencement will have given sufficient time to assess whether or not the policy elements of the regulatory framework are meeting their objectives. As the *Discussion Paper* also points out, the review should be a ‘whole of industry’ review and should include including the Strata Community Association. This will provide the relevant information from government, local and state, and all industry participants and relevant industry peak bodies.

In addition to the proposed review, a further longer term review should be undertaken to assess the social impacts of the STRA policy framework, particularly the impacts on housing affordability, long-term renter displacement and neighbourhood character change.

I trust that due consideration will be given to this submission.

Should you require further information in respect to any aspect of this submission, please do not hesitate to contact me on 9093 6947, Monday to Friday during business hours.

Yours faithfully



Roman Wesezczynski

Acting Director – City Planning

Roman.Wesezczynski@randwick.nsw.gov.au

From: Ranmali De Silva <ranmali_g@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 to supplement my family's income and help pay the mortgage. Our mostly international guests make it possible for us to continue to live in the area.

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.

Regards,
Ranmali De Silva
33 Tennyson Ave
Turramurra, Nsw 2074

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 7:33 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 07:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

raphael lee

Last name

cass

Name withheld

No

Info

Email

leeeee.c@gmail.com

Suburb/Town & Postcode

byron bay 2481

Submission

Rental of whole houses for airbnb in a small town like Byron Bay is a corrosive measure for the bonds of the community. Walking around on a warm summer's night I can pick the airbnb houses. Where there is loud talking, music and noisy outdoor living there is an airbnb abode. I can't complain about this as usually the guests will say they'll be quieter and then it's on again day after day and night after night. Local residents don't do this behaviour. There is an occasional loud party or Christmas celebration but occasional is the norm.

I have one room in my house for airbnb guests. I am always in the house and have 'house rules.' These provide for reasonable and peaceful living. A whole house rental without a manager or owner on site simply allows for abuse of neighbourhood peace. A maximum of 90 days whole house rental would cover the holiday period and is sufficient for someone to make additional income. In a small town like Byron, having thousands of these houses means the whole town is a holiday town. And that is not on as we have children going to school, people going to work and the elderly going about their business. We need to sleep in normal hours. Holidayers don't have normal hours and have the attitude 'I'm on holidays. I can do what I like. I pay a lot of money for this rental and am entitled to enjoy myself. I don't have to worry about neighbour relations as I won't be here for long.'

More than 90 days may be okay for Sydney or Brisbane: it's not all right in a small town.

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, 26 August 2019 9:19 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

Categories: Purple category

Submitted on Mon, 26/08/2019 - 09:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rathi

Last name

Suresh

Name withheld

No

Info

Email

rathisuresh86@gmail.com

Suburb/Town & Postcode

Kirribilli

Submission

Airbnb guests and hosts supported approximately AUD \$214 million in economic activity in one year in Sydney – throughout the region's diverse suburbs. This economic impact is estimated to support 1,600 jobs throughout Sydney. In addition to staying longer and spending more than traditional tourists, 31 percent of Airbnb guests said they would not have been able to make the trip had it not been for Airbnb as an accommodation option. Admittedly this statistics is from AirBnb website. The businesses around so many tourist spots in this vast nation have prospered due to airbnb. With almost most countries in the world now providing some sort of airbnb equivalent facility for cheaper stays, Short stay Airbnb kind of accomodation is critical for australia to retain its spot as a popular destination.

As a owner of a unit in a popular place the extra income from letting my unit to short stay is allowing me to have a better life style. However, I appreciate the work done by the government to bring about some structure and regulations in place so that the residents and the short term stay guests can coexist.

Age old strata by laws and age old zoning laws are putting a block to tthe progress of the nation through digital innovation and are acting selfishly with no consideration for the economy and the reputation of the country in the global economy.

I agree to the above statement

Yes

From: Ravinder Bajaj <bajajr8@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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Thank you for reading my submission.

Regards,
Ravinder Bajaj
17 Wentworth Ave
Waitara, Nsw 2077

From: Rawirat Techasitthanet <littlejibbi@gmail.com>
Sent: Tuesday, 10 September 2019 7:44 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: recorded in DPIE subs register, recorded and not sent to DCS

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Regards,
Rawirat Techasitthanet
83 Harbour St
Haymarket, Nsw 2000

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 11:32 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 11:32

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Ray

Last name

Moynihan

Name withheld

No

Info

Email

raymoynihan@bond.edu.au

Suburb/Town & Postcode

Suffolk Park 2481

Submission

To whom it may concern,

I strongly believe the reforms being proposed favour the interests of holiday accommodation providers at the expense of local residents and will put further pressure on rental and property prices that are already exceedingly high in the Byron Bay area.

As the father of a 5 year old, I am extremely concerned about the long term sustainability of the local community and environment in the Byron area.

While the tourism/holiday market is a vital part of the local economy, it is also vitally important that we maintain a livable and integrated community life - which I believe is threatened by proposals to allow the use of the town as an almost permanent play-thing of the short-term rental industry.

As in other holiday destinations around the world, the growth of AirBNB is having the effect of helping inflate property prices, and hollowing out the town so that accommodation providers can afford property here, and others on lower incomes, seeking to build communities and have families are forced out.

Some points of concern about the proposed legislation are as follows:

We need a limit on the percentage of time people can let their places out for holiday accommodation.

Although 90 days has been mooted as a possible exception for Byron Bay, even this represents a large amount of time on weekends and over holiday times which will still leave us with the problem of people being kicked out of rentals over the holiday season. We need even shorter limits.

The provision that allows people to get around any overall limit to the amount of days rented by allowing 21 consecutive days to override the overall limit will undermine it completely and should not be implemented.

Councils should be the bodies responsible for regulating the industry rather than the industry its self.

This proposed legislation should not override other planning instruments etc where there are inconsistencies between legislation.

Thank you for your consideration of this submission.

Dr Ray Moynihan

I agree to the above statement

Yes

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>Tweed Shire Council are proposing to reduce STRA to 180 days or less shire wide. TSC is required to prepare “a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area”, as per Ministerial Direction 3.7. They are putting forward via this submission process a request to reduce all holiday letting in Tweed Shire to 180 days until such time as they prepare the planning proposal referenced above. They have not made any contact with any relevant parties in determining the impact that this will definitely have on the economy of the towns of the Shire.</p> <p>Due to council's negative view on STRA as a whole, we have concerns around council's involvement when determining a properties complying development eligibility.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the Tweed Coast can be prone to flood.</p>
Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p>
	<p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to</p>

	<p>determine the type & extent of complaints experienced to date.</p> <p>Ours, for example, will show how little of a problem the Tweed Coast is experiencing.</p>
	<p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>
Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p>

participant	<p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p>
	<p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>
Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p>
	<p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p>
	<p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
	<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
	<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>

24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?
Determined by the STRA Committee
25. What audit and verification processes would be needed to ensure accuracy of data?
Determined by the STRA Committee

	26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?
	No, covered in penalties above
	27. What information should the register collect? Why?
	Agree – name & contact details of host
	Agree – address of property
	Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.
	Do not agree – that should already have been determined regarding strata compliance, by laws & STRA
	Agree – but breach information should not be viewable by general public; only whether they are excluded or not
	Also on the register should be Guest name & contact details
	28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?
	None – only once place / site to register
	29. What role should Government play in the registration process or providing information for the register?
	None
	30. Should any information on the register be made publicly available? If so, what information could be made available and why?
	Only whether a participant is excluded or not
	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?
Commencement of regulatory framework	Not directly. They can refer to the register
	32. Should any information on the register be made publicly available? Why?
	Same question as 30
	33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.
	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.
	<p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p>
	<p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

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 9:14 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 09:08

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Ray White G C South Network

Last name

Jacinta Kelly

Name withheld

No

Info

Email

holidaymanager.gcsn@raywhite.com

Suburb/Town & Postcode

Kingscliff

Submission file

[stra-code-of-conduct-and-registration-feedback.pdf](#)

Submission

Please find attached our submission file with our responses to the draft new regulations.

I agree to the above statement

Yes

From: Raymonde Dagassan <amy.dagassan@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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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.

Regards,
Raymonde Dagassan
26 Bennett St
Dee Why, Nsw 2099

From: Raysmails <raysmails@gmail.com>
Sent: Thursday, 5 September 2019 10:21 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Sent from my iPhone

***Fair Trading Amendment (Short-term Rental
Accommodation) Act 2018***

The Real Estate Institute of New South Wales Limited

Submission – 11 September 2019

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

Draft Code of Conduct for the Short-term Rental Accommodation Industry

***Draft State Environmental Planning Policy (Short-term
Rental Accommodation) 2019***

***Draft Environmental Planning and Assessment (Short-term Rental
Accommodation) Regulation 2019***

Discussion Paper on the Short-term Rental Accommodation

TO: Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
Lodged via www.planningportal.nsw.gov.au/exhibition/have-your-say-short-termrental-accommodation-reforms

1. Introduction

This Submission has been prepared by The Real Estate Institute of New South Wales Limited (**REINSW**) and is in response to the proposed regulatory framework for short-term rental accommodation (**STRA**).

REINSW is the largest professional association of real estate agents and other property professionals in New South Wales. In lodging this Submission, REINSW represents 9,477 members who practice in real estate. REINSW seeks to promote the interests of its members and the property sector on property-related issues. In doing so, REINSW plays a substantial role in the formation of regulatory policy in New South Wales.

REINSW is honoured to have been invited to join the Code Advisory Committee, where it has previously provided commentary on earlier drafts of the Code of Conduct (**Code**) to assist the Government in formulating the following documents issued for public consultation:

- (a) the Short-term Rental Accommodation—A New Regulatory Framework Discussion Paper issued by the NSW Department of Planning, Industry and Environment and Department of Customer Service in August 2019 (**Discussion Paper**);
- (b) draft *Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019* (**Draft Amendment Regulation**);
- (c) draft Code of Conduct for the Short-term Rental Accommodation Industry (**Draft Code**);
- (d) draft *State Environmental Planning Policy (Short-term Rental Accommodation) 2019* (NSW); and
- (e) draft *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* (NSW) (**Draft EPA Regulation**) and the accompanying *Short-term Rental Fire Safety Standard*.

This submission has been prepared with the assistance of REINSW members who are licensed real estate professionals with experience and expertise in STRA services and should be read in conjunction with the above consultation documents.

This submission specifically addresses the questions in the Discussion Paper where REINSW wishes to provide feedback for further consideration and discussion.

2. Response to the Draft EPA Regulation

- (a) ***Question 1: What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?***

Please refer to REINSW's response to Question 3 of the Discussion Paper.

- (b) ***Question 2: Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?***

Please refer to REINSW's response to Question 3 of the Discussion Paper.

- (c) ***Question 3: What are your views on new policy elements relating to days, flood control lots and bushfire prone land?***

REINSW does not consider it relevant whether STRA is carried out on flood control lots, in bushfire prone land or in metropolitan areas. REINSW's view is that STRA is a holiday activity and should be treated the same as a residential activity regardless of where the STRA dwelling is located. In addition, REINSW questions how owners/hosts and property managers are to determine whether an STRA property is located on bushfire prone land? The concepts are unclear, and do not provide guidance on how to obtain the requisite information.

People will occupy properties in an area as owners, residential tenants or holiday tenants. For the purpose of occupying a property, REINSW does not agree that they should be treated differently. This is particularly so where safety and health are concerned - there is no difference between short-term holiday guests and longer-term residential tenants.

An example supporting REINSW's position is that of smoke alarms. REINSW cannot see why the treatment of smoke alarms in STRA properties is any different to the standards required for residential long-term leasing. Smoke alarms apply to where people sleep and does not matter by what means people occupy the property. REINSW questions why short-term guests are being treated differently to longer term tenants, particularly where their safety and health are at risk.

With this in mind, REINSW does not consider it necessary for a smoke alarm to be required in each bedroom of a STRA dwelling for the same reason why it is not necessary for properties that are used for longer term residential leasing. In addition, the reality of the short-term letting space is that properties frequently transition between being used for STRA purposes and longer-term residential leasing. Therefore, REINSW opposes the introduction of different requirements with respect to smoke alarms for properties used for STRA purposes and recommends that the requirements be consistent with properties used for longer-term residential leasing.

REINSW submits that where a person's safety and health are concerned, regardless of their length of stay in a property, there must be consistency between the STRA and residential tenancies legislative frameworks, and REINSW's view is that the position in the latter is paramount and should prevail.

3. Response to the Draft Code

(a) ***Question 4: Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?***

In relation to the loss of and/or damage to guest property, REINSW questions how insurance would operate in this area, particularly where there are vexatious or futile claims. REINSW questions how claims (vexatious or otherwise) will be assessed and whether a police report will be required or whether the insurer will require the assistance of the owner/host when investigating a claim. Further, REINSW questions whether these circumstances will be treated the same way as for hotels (for instance, with respect to the *Innkeepers Act 1968* (NSW) pursuant to Part 2 of Schedule 7 to the *Fair Trading Act 1987* (NSW))? REINSW seeks clarity on this issue.

Pursuant to clause 5.4.3(b) of the Draft Code, the host is responsible for "damage to or loss of a guest's or visitor's property" and is, therefore, required to take out public liability insurance to protect against that risk. Since hosts are liable for the loss of or damage to a guest's personal belongings, REINSW questions why guests staying in STRA are being treated differently to tenants in a private residential tenancy arrangement, whereby it is the tenant's responsibility to effect and maintain their own insurance to cover the risk of damage to, or loss of, their personal property. Similarly, REINSW questions why STRA guests are being treated differently to guests staying in hotels. In a hotel, the responsibility for damaged or lost items are the responsibility of the guest. REINSW, therefore, submits that that whoever is responsible for the damage of personal property should bear the cost.

Further to the insurance requirements in the Draft Code, strata insurance must be mandatory to protect the owners corporation against losses caused by STRA activities carried on in strata lots (regardless of whether the lot owner consented to such activities).

REINSW considers landlords insurance to be mandatory and recommends that the Draft Code require owners to take out such insurance. However, REINSW acknowledges that this type of insurance may not respond with respect to STRA activities, particularly where there are exclusion clauses or where owners have consented to their tenants carrying out such activities. REINSW is concerned that there is a gap in the insurance industry whereby tenants cannot take out appropriate insurances to protect against STRA risks. REINSW understands that, to cover tenants, landlords need to change their permanent rental landlords insurance to a short stay policy, which is not a satisfactory solution because it is more costly and unlikely that landlords will do this. The requirement for tenants to take out appropriate insurance is imperative because, ultimately, they are responsible for any damage under the lease to the landlord.

On a different but related note, REINSW wishes to raise its concern that landlords insurance policies may not respond where STRA arrangements change the use of properties. This is an education issue because owners and letting agents need to be aware that they need to notify the insurer when the use of a property changes due to STRA activities.

(b) *Question 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 will collect a significant amount of important STRA information from the establishment of the following registers:

- (i) an exclusion register;
- (ii) a guest register; and
- (iii) the proposed STRA property register, contemplated by section 54B(2)(c) of the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018 (NSW) (**2018 Amendment Act**) and discussed in the Discussion Paper commencing on page 15, of which there needs to include a register of hosts (including owners/tenants) (Host Register) as a sub-register of the STRA property register (collectively, the **Proposed Property Register**).

REINSW has previously submitted its position to Government on the need for these registers so that the STRA regulatory framework can operate properly with success. Please refer to the **enclosed** REINSW submission dated 4 December 2018 on the need for the registers as well as the **enclosed** REINSW submission dated 31 October 2017 in response to the Short-term Holiday Letting in NSW Options Paper (specifically, section 6 on the registration issue). REINSW's position in those submissions remains strong and requests that Government treat those submissions as if they were set out in full in this submission, noting that REINSW's stances and arguments are still applicable and relevant, particularly in relation to the registers.

REINSW submits that the registers will provide an increased amount of necessary regulation and information in this area. For instance, a strata manager could easily identify who to contact in the event of an issue with a particular STRA property whereas, currently, there is no easy way of determining this. The registers will benefit all parties involved in STRA because they would create a better streamlined process, where records are kept and accounted for to assist with implementing an effectively regulated system.

(c) *Question 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 order to fully answer this question definitively, REINSW requires a final Code setting out the exhaustive list of obligations. However, REINSW makes the following preliminary comments on this issue for consideration.

REINSW believes that if a host wishes to list a property for STRA then they should firstly be required to register on the Proposed Property Register and complete registration on the Host Register before being issued with a registration number. As part of the registration process, they should prove identification and ownership of the property if an owner or, if a tenant, that they have the right to sub-lease/licence (as applicable). Once ownership and identification have been verified, a registration number should be issued to hosts and that number should be used across all booking platforms. This ensures compliance with the Code and STRA legislation as well as a higher level of necessary regulation, to minimise potential claims.

Where the host does not abide by the Code and is listed on the exclusion register, their registration number should be revoked. Further, if the host

fails to satisfy the identification and ownership requirements (as owner) or approval to sublease/licence requirements (as tenant) then they will not obtain a registration number. REINSW's view is that this should be reflected on the Proposed Property Register and on booking platforms so that consumers are aware of who they are dealing with and the circumstances in which they are entering.

Booking platforms and other similar channels are a vital part of the registration process. The requirement to register is futile if booking platforms are not required to include a host's registration number in each listing. REINSW cannot see any issue with requiring booking platforms to include registration numbers because of the need for listings on their sites in order for them to operate.

Accordingly, REINSW suggests that booking platforms should be required to:

- (i) include a mandatory field for hosts to enter registration numbers in their listings, such that failure to do so will not allow them to move forward in the process; and
- (ii) remove listings where registration numbers have been revoked or, at the very least, remove the registration number from a listing if registration has been revoked (indicating that the host is listed on the exclusion register). REINSW recommends that this field be linked to the Proposed Property Register so that booking platforms know when these circumstances arise.

REINSW suggests that clause 5.2.5 of the Draft Code be amended to include 5.2.5(c) which requires booking platforms to ensure that hosts do not use the booking platform's online service to enter into a STRA arrangement if their details are on the exclusion register. Similar to the prohibition on guests using booking platforms in the same way (as per clause 5.2.5(b)), this prohibition on hosts will improve compliance and better industry practice, ultimately benefitting consumers. In addition, it would ensure consistency with clause 5.2.6 which, relevantly, requires the booking platform to notify a host if it becomes aware that the host has been recorded on the exclusion register as a result of its dealings on the booking platform.

To assist with regulating the industry, REINSW suggests that clause 5.2 be amended to impose an obligation on booking platforms to require hosts to identify in listings the following information:

- (i) the number of beds (including trundle beds) at the property;
- (ii) the maximum number of guests permitted to stay; and

- (iii) the number of vehicles permitted on the property and any relevant parking restrictions.

The Government also needs to have measures in place to prevent the circumstance where a guest pays for an STRA property via a booking platform, the money is released to the host prior to the guest's arrival and then the STRA property being unavailable to the guest at the time of their stay. REINSW is aware of an instance where an international guest used a booking platform to pay for their holiday accommodation, the host received the money and then sold their property prior to the guest's stay. When the guest (who had come from overseas) arrived at the STRA property for their holiday they were told that there was no accommodation for them. To prevent this scenario occurring, REINSW proposes that the Government ensure the money paid by the guest is not released to the host until the host has delivered the services (that is, until the guest has finished their stay).

Further, REINSW proposes that guests should only be required to pay for their stay one week in advance of their holiday as opposed to at the time of booking the accommodation, at which time they should only be required to pay a deposit to make the reservation.

REINSW also recommends that clause 5.4.7 be amended to include a requirement for hosts to ensure that guests have ready access to information about parking arrangements and restrictions, the maximum permitted number of vehicles, trailers and RV boats on the property, garbage arrangements and excess garbage procedures, especially with respect to common property in a strata building.

In addition, clause 5.4.8 should require hosts to provide the relevant information to the owners corporation and occupants in writing before the guests arrive at the property. This is to ensure that owners corporations and occupants are well informed in advance, improving clarity and allowing them to make any necessary arrangements to minimise certain risks (such as theft, damage, etc).

On another note, REINSW considers the length of time for a letting agent to keep records in clause 5.3.7(a) of the Draft Code to be too long. REINSW questions why a letting agent is required to keep records for at least 5 years after the end of the occupancy period? Is it because an industry participant is listed on the exclusion register for 5 years (pursuant to clause 7.2.4 of the Draft Code)? This calls for much needed clarity, especially since section 104(2) of the *Property, Stock and Business Agents Act 2002* (NSW) requires a licensee to keep records containing full particulars of all transactions for 3 years after it is made.

In any event, REINSW recommends the inclusion of an exception to clause 5.3.7(a) of the Draft Code to the effect that it does not apply if a letting agent sells their business to a third party unless the records relate to an industry participant listed on the exclusion register at the time of sale. It is unrealistic to expect letting agents to keep full records of each STRA transaction if they sell their business – the purchaser should be required to do this. Following a sale, a letting agent is no longer generating income nor is it maintaining a rent roll and so they should not be required to keep or maintain records beyond the date of sale unless on the exclusion register.

In addition, the requirement in clause 5.3.7 to keep “full particulars” of each relevant transaction is too onerous for STRA transactions and REINSW requests that the Draft Code provide more guidance on what records should be kept, proposing that it should be narrowed to only what is relevant to the industry participants listed on the exclusion register. The Government needs to have regard to the nature of STRA transactions in that agents have thousands of small transactions compared to larger residential tenancy arrangements.

REINSW is of the view that hosts must be compliant with all applicable laws. To limit the type of law to criminal and planning legislation (as per clause 5.4.1) is an injustice and oversight of other relevant legislation, such as the laws around swimming pools. Accordingly, REINSW suggests that there be a more general requirement for hosts to comply with “all applicable laws” in clause 5.4.1 as opposed to just criminal and planning laws. This will ensure that, where the safety of industry participants and other consumers is concerned, hosts are compliant with the law.

REINSW insists that a new clause 5.4.1(c) be included in the Draft Code preventing a host from engaging in conduct that contravenes the terms of a residential tenancy agreement (which might be in place between a host and their landlord) and the terms of a short-term rental accommodation arrangement. One of the reasons to include a new clause 5.4.1(c) is to prevent the current widespread practice of tenants using premises for STRA purposes without landlord’s consent. The introduction of this clause would capture these tenants under the Code, ultimately minimising this practice for fear of ending up on the exclusion register.

To ensure better compliance practices, REINSW is of the view that the first obligation in clause 5.5.1 should be for the guest not to breach the Code.

Additionally, a new clause should be included in clause 5.5 which states that guests and their invitees must not act in a violent or threatening manner towards owners corporations, strata committees, letting agents and their employees. The Code should also prohibit guests from having

pets (if not allowed) or from having more pets than allowed. This ensures that owners are not in breach of any pet by-laws and that the guest is not in breach of any STRA agreement. This is also a way to control noise from pets (such as barking) and to ensure that the property (and common areas, if applicable) remains clean.

REINSW recommends clause 5.5.8 be expanded so that guests must ensure that their visitors comply with the Code and not just clause 5.5.2. If their visitors fail to comply with the Code then the guest is ultimately responsible for the breach, however, this way is more likely to result in the permitted number of people staying in the property and vehicles on the property.

REINSW would also like to see the Draft Code include a prohibition on the guest and their invitees from disconnecting, removing or damaging smoke alarms. This goes to the root of safety and is that important that it should be enshrined in the Code as a guest responsibility to the host. The Draft Code should also give a right to the host to terminate the guest's booking and have them vacate immediately if they or their invitees interfere with smoke alarms or, otherwise, breach the Code.

REINSW proposes that the section "Responsibilities to hosts" should be expanded so that guests are required to notify hosts (or their letting agent, if applicable) if there is excess garbage or vehicles on the property before and/or during their stay so that arrangements can be made for removal and the cost of removal. Finally, the Draft Code should make guests responsible for any call out fees from the letting agent, security staff or others called to the property.

(d) *Question 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?*

REINSW questions how the Government will handle the significant influx of complaints that it will receive as a result of the Code? What resources will be allocated to the Commissioner for the purpose of resolving such complaints?

REINSW's concern stems from the fact that a complaint can be an alleged failure to comply with the Code (pursuant to clause 6.1.1 of the Draft Code). This is as opposed to an actual or substantiated failure. Alleged failures of compliance result from a participant's subjective interpretation of the Code and whether or not it has been complied with. Hence, REINSW envisages a significant number of complaints being lodged.

REINSW is also concerned that clause 6.1.8 of the Draft Code is too limited and exhaustive in scope and does not provide a lot of reasons for dismissal of complaints. The result will be that the Commissioner is not afforded much discretion over which complaints to dismiss, potentially causing an unnecessary large volume of complaints for their consideration. Further, REINSW seeks clarity on the test that will be applied to determine whether a complaint is frivolous, vexatious, trivial, misconceived or without substance, whether an investigation will be required to determine this and, if so, of what kind. REINSW submits that clarification is required on how this framework will operate when implemented.

(e) *Question 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?*

REINSW's position is that letting agents should not have strikes recorded against them. REINSW believes that this position is supported by clause 7.2.3 of the Draft Code which states that strikes are only recorded for hosts, hosts in relation to specific properties and guests. However, REINSW notes that clause 7.1.1 of the Draft Code sets out what a Commissioner can do in terms of disciplining an "industry participant" (which includes an agent) and requests that the Draft Code clarify that letting agents cannot receive strikes. REINSW draws the Government's attention to the problems associated with the Complaints Register, namely that it is misleading to consumers because a tradesperson can be publicly recorded on the register if a complaint falls within the definition of a "complaint" even though it is ultimately determined that there is no substance to the complaint. The tradesperson is likely to suffer unnecessary loss to its business and reputation as a result. REINSW does not want to see the same consequence occur in this space and questions the definition of a strike and the circumstances in which a strike may be recorded. Until there is certainty around the strikes process, REINSW cannot support it.

REINSW proposes that it is only fair and reasonable for the host to be allowed a rectification period within which they can remedy a breach before a strike is recorded. This rectification period should be a reasonable amount of time in the circumstances for the host to rectify issues that have been raised.

The process of recording a strike needs to take into account misrepresentations that are honestly or unavoidably made, for instance, where there is a drought and the grass on the subject property is not as green as the guest expected. REINSW contends that this could potentially

disadvantage hosts in circumstances where a strike should not be recorded against their name. For this reason and to ensure that the Commissioner is not subjective when considering whether or not to record a strike, REINSW recommends that an objective test be applied by the Commissioner and included in clause 7.1.3 of the Draft Code in place of the subjective nature of the Commissioner's discretion.

Again, reiterating REINSW's previous position set out in the enclosed submission, in order for the new STRA reforms to work as the Government intends, there needs to be a guest register and Host Register (forming part of the Proposed Property Register) established.

REINSW envisages that registration for the owner/host and guest registers would be an online process with a requirement to pay registration fees. The Proposed Property Register would have an annual registration fee whilst the guest register would require guests to pay an initial registration fee and then renewal fees every 5 years having regard to the frequency in which people holiday.

Each register would indicate whether a strike has been recorded against the owner/host or guest, as applicable, or whether the owner/host or guest has been recorded on the exclusion register. This information should be publicly accessible. A strike should also be publicly recorded against the owner/host on the Host Register (comprising part of the Proposed Property Register) and, if listed on the exclusion register, the register should either indicate this or remove their registration number so that consumers know that it has been revoked as a result of being listed on the exclusion register. However, REINSW recommends that the Draft Code clarify that a strike will be removed from the Proposed Property Register and guest register (as applicable) after two years if no other strike is recorded within that two-year period which results in a recording on the exclusion register.

The purpose of the Proposed Property Register recording a strike is not to be undermined. REINSW is of the opinion that regulating this strike system through the Proposed Property Register will effectively foster better compliance behaviour to ensure that STRA properties are used for their intended purpose. In essence, a STRA property should be used for a holiday and not for guests to host parties or functions, cause unacceptable noise and behaviour, damage the property and common areas (if applicable), have excess rubbish and disrupt or damage the neighbouring properties. These types of behaviours should be sanctioned by way of strikes.

For completeness, REINSW does not support these registers notifying consumers if owners, hosts or guests have been issued warning notices or directions pursuant to clauses 7.1.1(a) or (b), respectively, of the Draft

Code. Public notification should only commence once a strike has been recorded.

The public recording of strikes and listings on the exclusion register benefits consumers who carry out their due diligence before either hosting particular STRA guests or applying as STRA guests. Consumers have the benefit of knowing whether an owner/host or guest has been compliant with the Code or whether an owner/host has had their registration number revoked. REINSW is of the belief that if the Host Register publicly records strikes and listings on the exclusion register, consumers will benefit from increased regulation and compliance by owners/hosts and guests.

In addition, REINSW sees a need for part 7 of the Draft Code to implement a process whereby two warning notices and/or directions must be issued before the Commissioner can record a strike. This process will allow an owner/host or guest sufficient time to remedy any non-compliance and potentially avoid being given a publicly recorded strike. REINSW also seeks guidance from the Government on how long a strike stays on the register for and recommends that this be clarified in the Draft Code.

REINSW notes that the Commissioner has no discretion to impose a fine and recommends the Government consider this type of disciplinary action. There is no doubt that breaches of the Code will be minimised if monetary sanctions are implemented.

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

REINSW is of the view that the review process is unreasonably long. The requirement for an industry participant to have 21 days to apply for a review and then the Secretary to take 28 days to decide the review (not to mention the time it takes to complete other steps in the process) is simply too long. It could potentially result in a loss of business for an industry participant.

Further, REINSW recommends that an industry participant should not be recorded on the exclusion register until the relevant review has been assessed, determined and resolved against them. To be recorded before the review has completed would serve to disadvantage industry participants, particularly where it is determined as a result of the review that the original disciplinary action imposed should not be enforced.

Question 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?

REINSW considers the amounts stipulated in the proposed penalty notice offence and civil penalty provisions to be fair and reasonable.

4. Response to the Draft Amendment Regulation

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

REINSW appreciates that clause 22B of the Draft Amendment Regulation aims to capture STRA industry participants that have not been covered by the definition of “short-term rental accommodation industry participant” in section 54A of the 2018 Amendment Act. However, REINSW’s position is that proposed clause 22B(2) fails to adequately capture the services of STRA property managers. These property managers also engage in services that reflect residential property management services, including (without limitation) advertising, promoting and marketing STRA properties, repair and maintenance services, managing trust accounts for rent, receiving rent, communicating with other STRA industry participants, strata committees, strata managers and owners corporations, and retrieving and providing copies of by-laws. Their services extend to all property management duties within the holiday letting space. For this reason, REINSW recommends the replacement of the specific services listed in proposed clause 22B(2) with a more general definition that captures all applicable services.

- (b) Question 13: What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?***

REINSW is satisfied that clause 22B of the Draft Amendment Regulation captures those who should be prescribed STRA industry participants for the

purposes of paragraph (e) of the definition of “short-term rental accommodation industry participant” in section 54A of the 2018 Amendment Act.

(c) *Question 14: Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?*

REINSW's view is that it is appropriate to exclude from the application of the Code the STRA industry participants set out in clause 22C of the Draft Amendment Regulation.

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

REINSW is satisfied that clause 22C of the Draft Amendment Regulation captures those who should be excluded from being covered by the Code.

(e) *Question 16: Is the appeals process clear and sufficient? What other means (if any) should be considered? Why?*

REINSW's perspective is that the appeal process set out in clause 22D of the Draft Amendment Regulation is an essential process that would provide Government with more positive control over the exclusion register, in order to improve regulation. However, REINSW predicts that it could potentially present significant issues for the Government from a resource and time perspective. REINSW is of the opinion that in order for the appeal process to work effectively and efficiently, it calls for a functional and resourceful framework to ensure proper execution.

(f) *Question 17: Which industry participants should contribute to the cost of administering and enforcing the Code? Why?*

Please refer to REINSW's response to Question 18 of the Discussion Paper.

(g) Question 18: How should costs be apportioned across different STRA industry participants? Why?

As mentioned above, REINSW believes that the ideal way in which to deal with administration and enforcement costs is by way of registration and renewal fees for having access to the registers. REINSW recommends that the registers are funded by the annual registration fee applicable to the Proposed Property Register and by the initial registration and subsequent renewal fees for the guest register.

From an administrative perspective, it is easier to retrieve money from people if they are required to provide payment upfront, when they register. REINSW believes this to be the only clear and easy way of funding the registers. Otherwise, questions are raised on how the cost will be calculated and apportioned, and people may object to the Code as they question why they are required to pay more than another industry participant (for instance, where they have larger properties). This could potentially cause consumer dissatisfaction and resentment of the Code.

(h) Question 19: Is the proposed penalty notice offence amount appropriate? Why or why not?

REINSW believes that although the penalty notice offences under the *Fair Trading Act 1987 (NSW)* prescribes \$550 as its penalty amount, it is not an effective or sufficient amount for the purposes of deterring breaches of the Code. Therefore, REINSW considers \$550 to be an insufficient amount and suggests that the Government increase it with the aim of minimising potential breaches.

5. Response to the Proposed Property Register

(a) Question 20: How can industry be organised to develop and manage the registration system?

REINSW is of the opinion that it is not for industry to develop and manage the registration system but, rather, the Government must be responsible for doing so. Further, REINSW believes that the only way in which the Government can manage the registration system is for registration to be mandatory.

The Government should be the only body responsible for operating, funding (by way of registration fees) and maintaining the register. This position has privacy concerns at its forefront, particularly when personal information, sensitive information, identification, ownership and other documents are

required to be uploaded onto the registers. REINSW believes that people would be more trusting of a Government body to collect and deal with their information because of Government's high-level data protection policies and procedures.

(b) *Question 21: What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?*

REINSW disagrees that industry should be responsible for effectively establishing, funding, administering and maintaining the registers, and recommends that the Government assume this role. In any event, REINSW proposes that the registers should be 'self-funded' in that each registration (which would be mandatory) requires a registration fee to be paid before access to the register is granted. As mentioned above, the Proposed Property Register should require annual registration fees to be paid whilst the guest register should require an initial registration fee with renewal fees every 5 years.

(c) *Question 22: What role should the Government play in developing or overseeing the register, if any?*

As aforementioned, it should be the Government's responsibility to ensure that the register is developed and overseen. REINSW's position on this is based on the fact that people are more inclined to trust, and feel more comfortable dealing with, the Government rather than an industry body. This is further supported by the privacy issues arising from the registration process where the Government is best placed to hold and protect information and documents uploaded onto the register.

Two of the many benefits that a Government register would achieve is the creation of a centralised system that ensures consistency across each Council, for the purpose of effectively recovering money owed or resolving issues, and the collection and storage of data to assist with making future industry decisions. Currently, for example, the process requires a complainant to approach the relevant Council who then sends a letter to the owner who gets their real estate agent to deal with the issue. With a Government register in existence, the complainant will simply need to approach NSW Fair Trading and the issue is taken away from Councils, ensuring consistency between each different Council.

(d) *Question 23: Are there other outcomes a register should deliver?*

In addition to the outcomes proposed in the Discussion Paper, the Proposed Property Register as well as the guest register (for that matter) would deliver proof that the owners/hosts and guests are compliant with the Code and have the right to use the STRA property in the manner in which they propose. The registers will deliver proof of ownership of the property by way of identifying a registration number. This registration number then indicates to users that ownership, identification and compliance requirements have been satisfied. Similarly, if the host is a tenant engaging in STRA with the consent of their landlord, the Proposed Property Register should indicate that they have that consent (as it should be uploaded onto the register even if the actual consent is not publicly available).

In addition, REINSW proposes that the Proposed Property Register indicate whether the host has the appropriate insurances in place for the STRA activities. This could be done by way of the host uploading onto the register the relevant certificates of currency and/or by selecting a tick box to indicate that the appropriate insurances have been effected with a declaration included in the register whereby the host declares that the information it provides during the registration process is true and accurate. This way, an outcome of the register would be that it will ensure that the STRA properties listed on it are adequately insured. REINSW believes that the requirement for an STRA property to be insured is essential much in the same way as cars are required to be insured before they can be driven.

(e) *Question 24: How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?*

REINSW believes that the responsibility is on the host to register each STRA property that it wishes to list on the Proposed Property Register. However, to ensure that registration applies to all STRA operators, REINSW believes it is necessary to have all channels and booking platforms on board with the new registration process. Otherwise, it will not work.

The registration number is a vital part of the registration process and REINSW proposes that it should be a prerequisite to listing an STRA property on a booking platform. That is, a host must not be able to list an STRA property on a booking platform without first obtaining a registration number and then entering that number when listing the property on the platform. REINSW believes that the requirement for a registration number is essential much in the same way as cars are required to be registered before driving. It indicates to consumers compliance with the STRA

framework, which is essential information when looking for STRA properties to rent.

(f) *Question 25: What audit and verification processes would be needed to ensure accuracy of data?*

The Proposed Property Register is the integral element of ensuring accuracy of data and transparency for hosts and guests. REINSW believes that it would require proof of personal identification which cross-checks ownership of the property or a right to sublease/licence (if a tenant with consent of the landlord).

REINSW proposes that ownership details could be verified by the owner being required to upload onto the register a rates notice and identification (which can include passports) and to include the relevant folio identifier which will enable NSW Land Registry Services to verify the ownership, using this folio identifier with the title details in their system. There are issues in the process arising from changes in ownership (for instance, where a host sells the STRA property), however, ownership changes can be verified by NSW Land Registry Services. Tenants could prove that they have the right to host by uploading onto the register their identification (which can include passports), residential tenancy agreement and landlord's written consent to the STRA arrangement. In this latter scenario, the verification process would take longer. REINSW acknowledges that uploading such documents onto the register creates privacy issues such that these documents should not be publicly available, and the privacy aspect gives strength to REINSW's position that the Government is the appropriate body to operate and maintain the register.

Finally, REINSW recommends that the number of nights stayed at an STRA property should be indicated on the register. This is important in relation to whether development consent is required (that is, whether a non-hosted STRA property is used for that purpose for more than 180 days). To increase transparency and consumer knowledge of properties listed on the register, the register could also indicate whether development consent has been obtained where it is required. To audit and verify the number of nights stayed at an STRA property, REINSW proposes that this could be done by information received from booking platforms.

(g) Question 26: Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?

REINSW's view is that, although there should be penalties for failure to register, if the registration system is executed effectively and in the proper manner, there should be no failure by anyone to register. If online booking platforms adhere to the registration system and require hosts to include their registration numbers in listings before they go live, compliance in this respect is guaranteed such that there would be no failure to register. Whilst REINSW recognises that consumers do not need to use the online booking platforms to be in the STRA space, the online registration system will serve to improve compliance practices, and a way to conduct compliance verification checks on the property.

(h) Question 27: What information should the register collect? Why?

In addition to the information above and the information set out on page 16 of the Discussion Paper, the register must indicate that the appropriate insurances have been taken out (including that the property is insured), the principal contact for the host and emergency after hours contact details (particularly where an owners corporation or property manager has their own emergency after hours details). In addition, the register should also include the contact details of the host or property manager if the host is happy to disclose that information.

The register should also include details of whether the property is the host's principal place of residence which is useful information when determining whether a development consent is required and, if so, whether one has been obtained, or whether by-laws are in place prohibiting the STRA arrangement. This information encourages further investigations and due diligence to take place so that consumers and the Government are more informed about the STRA property and arrangement.

The register should also record the maximum number of people permitted to stay at the STRA property.

As mentioned above in paragraph 5(d), REINSW recommends that the host be required to declare that the information it includes in the register is true and correct. That way, users of the register have more comfort in relying on the accuracy of its contents. Otherwise, and by way of example, how will the Government monitor whether the STRA property is the host's principal place of residence?

Finally, REINSW suggests that hosts should be required to include their tax file numbers in the register to encourage them to declare this type of income. REINSW has become aware that there are instances where hosts engage in STRA activities (for instance, as a side-business) without declaring the income for taxation purposes. REINSW is of the view that the requirement to provide tax file numbers would substantially increase the likelihood of declaring such income whilst deterring people from engaging in this illegal practice. Tax file numbers comprise a person's sensitive information which is another reason why REINSW calls for Government to maintain the Proposed Property Register; in order to protect personal and sensitive information of individuals.

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

As mentioned previously in this submission, booking platforms must require hosts to include their registration numbers as a mandatory field when listing properties and that listings should not go live without the inclusion of these numbers.

Hosts must be required to complete the registration process on the Proposed Property Register, upload all necessary documents and pay the annual registration fees for that register.

Similarly, guests must be required to complete the registration process on the guest register, upload all necessary documents (which may include passports as identification) and pay the initial registration and subsequent renewal fees for that register.

The letting agent must only perform their role once they have received their client's registration number, and they should use the Proposed Property Register to verify the number and their client's compliance with the STRA framework.

(j) *Question 29: What role should Government play in the registration process or providing information for the register?*

To reiterate, the Government should be the sole operator of this register, considering the high volume of personal and sensitive information that needs to be uploaded and safeguarded. If industry participants are required

to share their personal and sensitive information with industry bodies, privacy and trust issues will arise. Government has more stringent privacy and data security processes and procedures in place compared to industry bodies, and this is comforting to industry participants. In addition, REINSW is of the opinion that the Government, having implemented many other registers, are better equipped with the level of resources and knowledge to carry out register establishment and maintenance.

(k) *Question 30: Should any information on the register be made publicly available? If so, what information could be made available and why?*

Having regard to the list of information proposed to be held on the register (as set out on page 16 of the Discussion Paper), REINSW does not see an issue with making that information public except for the name and contact details of the host, unless the host uses a letting agent (in which case the letting agent's details should be disclosed), consents to the publication or is named as the principal contact for the property - REINSW considers that the principal contact details should be made public.

The information on the register that should be made public without the host's consent include:

- (i) the host's registration number (and if not available then it should equate to the host being listed on the exclusion register);
- (ii) the address of the property (as opposed to an approximate address, after all, it is a property register); and
- (iii) whether the host is listed on the exclusion register.

With respect to information that the host may voluntarily make publicly available, hosts should have the ability to choose this information by way of a tick-box to indicate their consent to the relevant information being published.

In relation to the information that is publicly available, REINSW proposes that it should only be accessible by registered users of the Proposed Property Register.

- (l) ***Question 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?***

REINSW is opposed to industry being required to report registration information to Government because the purpose of the Government establishing the register is so that information can be collected from it. If the register is established and operational then industry is not required to report on registration information because it will be included in the register.

- (m) ***Question 32: Should any information on the register be made publicly available? Why?***

Please refer to REINSW's response to Question 30 of the Discussion Paper.

- (n) ***Question 33: How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.***

Please refer to REINSW's response to Question 34 of the Discussion Paper.

- (o) ***Question 34: When should the STRA regulatory framework start? Please provide reasons.***

The ideal commencement date for these reforms is dependent on how long it will take relevant industry participants to obtain planning approvals (if required) and how much training and education is required for a smooth implementation process. These reforms are ground-breaking in an industry that has been unregulated for a long period of time. Accordingly, there needs to be a sufficient amount of time to adjust and understand what is required by the reforms. For instance, booking platforms and channels need to gain an understanding and implement strategies that are compliant with the new regulatory framework. They also need time to issue communications to users in an effort to educate them on the changes.

REINSW opposes the staged implementation option referred to in the Discussion Paper. For efficiency and to minimise disruption to the industry, REINSW recommends that the registers commence at the same time as

the planning instruments, Code, Amendment Regulation and strata legislation changes. The commencement date should have regard to the need for industry participants to have enough notice to be made aware of and prepare for the upcoming changes.

REINSW submits that in order to effectively ensure that implementation is carried out in the most effective and streamlined way possible, the proposed commencement date for the entire STRA regulatory framework should be no earlier than the end of 2020 or, more realistically, 2021. This will allow sufficient time for the Government to establish the required registers and to implement the reforms.

(p) *Question 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?*

For REINSW to properly respond to this question, REINSW welcomes the opportunity to participate in the policy review process of the new Code and the registration system after it has been implemented for at least 12 months.

6. General Comments

(a) Mandatory Statutory Review

REINSW acknowledges that this area of the industry is now shifting toward better regulation and appreciates that it is constantly undergoing change. As such, REINSW submits that the legislative reforms should be subject to a mandatory statutory review every 3 years. REINSW considers a 5-yearly review would be ineffective, particularly since this is a new regulatory framework being adopted. The sector is a fast-moving space that is being heavily impacted by developments in technology and the sharing economy boom. Accordingly, a 3-year period for a mandatory statutory review will allow the Government to take account of changes impacting the short-term holiday letting sector in a timely manner.

(b) Standard Form Residential Tenancy Agreement

REINSW would like to take this opportunity to suggest an important change to the standard form of residential tenancy agreement in Schedule 1 to the *Residential Tenancies Regulation 2010* (NSW). With the residential tenancy reforms currently under consideration by the Government, REINSW

submits that the reforms should address the following issue relating to STRA.

There is a prevalent problem existing in the market whereby tenants use premises for STRA purposes without their landlord's consent and without property managers being aware of these STRA. REINSW is aware that there are tenants selling holiday rent rolls of multiple properties but do not own the properties. REINSW is also aware of property managers being prevented by tenants from carrying out periodic inspections because they have guests staying in the premises without the consent of landlords and without property managers being aware. Some tenants, for the purpose of inspections, fix properties so that they appear as though they are not being used for STRA purposes when in fact they are.

These scenarios are common and to address the issue REINSW recommends that the prescribed residential tenancy agreement be amended, specifically the provisions relating to the transfer of tenancy or sub-letting by the tenant (clauses 32 and 33). These provisions should include the additional term in the REINSW residential tenancy agreement which states the following:

...the tenant agrees: not to use, advertise for use, sub-let, licence, transfer or otherwise part with possession of the whole or any part of the residential premises for the purpose of giving a person the right to occupy the residential premises for the purpose of a holiday, without the prior written consent of the landlord where such consent may be refused in the landlord's absolute discretion;

Essentially, REINSW suggests that this additional term should be included as a prescribed term in the body of the standard form of residential tenancy agreement.

REINSW believes that this change will provide tenants with a better understanding of their rights and responsibilities under their tenancy arrangement.

7. Conclusion

REINSW has considered the questions proposed in the Discussion Paper and appreciates the opportunity to provide comments that will assist in establishing the regulatory framework in the short-term rental accommodation space. The recommendations proposed in this submission seek to raise awareness of the anticipated increased regulation and obligations and assist in enforcing best compliance practices amidst all industry participants and other parties involved.

REINSW strongly advocates for the establishment of an exclusion register, a guest register and a Proposed Property Register which includes a Host Register. These registers need to operate alongside the Code and STRA legislative instruments to create a better and more compliant short-term holiday rental framework in New South Wales.

REINSW appreciates the opportunity to provide this submission and would be pleased to discuss it further, if required.

Yours faithfully



Tim McKibbin
Chief Executive Officer

***Fair Trading Amendment (Short-Term Rental
Accommodation) Act 2018***

**The Real Estate Institute of New South Wales
Limited**

***Submission on the Registers included in the Code of
Conduct***

4 December 2018

To: Mr Warren McAllister
Manager, Policy
Regulatory Policy
Better Regulation Division
NSW Department of Finance, Services and Innovation

By E-mail: warren.mcallister@finance.nsw.gov.au

1. Introduction

This Submission has been prepared by The Real Estate Institute of New South Wales Limited (**REINSW**) and is in response to the third short-term rental accommodation Code of Conduct Advisory Committee meeting held on 2 November 2018 (**Advisory Committee Meeting**).

At the Advisory Committee Meeting, the matter of a Holiday Letting Register for owners was discussed. From this discussion, REINSW wishes to take this opportunity to express its concerns and to provide feedback on current areas that require attention and improvement, such as the insurance pitfalls, overall funding and implementation of the proposed system (including the registers referred to in proposed section 54B(2) of the *Fair Trading Amendment (Short-Term Rental Accommodation) Act 2018* (**STRA Act**), cybercrime and agents' liability.

REINSW strongly believes that the registers mandated by the STRA Act must be established to create transparency, accountability, regulation and safety in the short-term rental accommodation industry.

2. Key matters for consideration

2.1. The Registers

As contemplated in proposed section 54B(2) of the STRA Act, an effective way to regulate the short-term rental market is to form the following registers:

- (a) a register of the 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 (proposed section 54B(2)(c)); and
- (b) a register containing the details of short-term rental accommodation industry participants who have failed to comply with the code of conduct (**exclusion register**) (proposed section 54B(2)(g)).

REINSW believes that the intention of the short-term holiday letting reforms will be achieved by either introducing an additional register for owners, tenants and guests or by including additional information in the registers contemplated by proposed section 54B(2) as detailed in section 2.2 of this Submission.

REINSW maintains its position that these registers are vital to a successful regulated short-term letting industry and REINSW would be pleased to assist the NSW Government in developing and implementing them.

2.2. Owners Register

REINSW strongly recommends the introduction of an "Owners Register", requiring property owners to prove ownership prior to registration of their residential premises in accordance with the proposed s54B(2)(c) of the STRA Act. REINSW believes that an Owners Register is a central factor in compliance for short-term rental accommodation.

Although the proposed s54B(2)(c) requires the registration system to include details about when residential premises are used for short-term rental accommodation purposes, REINSW is of the view that additional information should be included in that register, requiring owners to prove that they:

- (a) are fully aware of the requirements and their responsibility in letting their property for the purposes of short-term rental accommodation;
- (b) understand and practice the terms of the STRA Act, including the code of conduct and any related penalties;
- (c) are fully insured with a dedicated holiday letting insurance, being able to provide proof of their insurance (this is a safeguard to ensure compliance as well as guaranteeing adequate coverage in the event something goes wrong); and
- (d) have ensured that their property is compliant for all purposes, that is, not only for the purposes of holiday letting but also to ensure their property is fit for residence in accordance with the requirements under the *Residential Tenancies Act 2010* (NSW).

In light of the above, it should be mandatory for all owners to prove ownership by way of photo identification (such as a driver's licence or passport) and the most recent rates notice for the property. Where the owner is a company, there should be proof of the link between the company and the person registering the premises on the register, such as an ASIC Company Search or a signed declaration from a related party or advisor, such as an accountant, proving the connection and ownership of the property. REINSW believes that the onus of proving ownership is to be a matter left to the owners and any dispute of ownership should be resolved by the individual asserting ownership (in their personal capacity or on behalf of an entity, as the case may be).

The next step would be to produce a registration number for owners (once such ownership has been verified) which is to be used to list the property on booking portals and websites. Prior to the issuing of a registration number, REINSW recommends a similar compliance check as that required under the current smoke alarm legislation and swimming pool requirements to ensure that the premises are compliant with consumer safety legislation and have the correct insurances in place. .

2.3. Tenants Involvement

REINSW is concerned that the current drafting of the STRA Act fails to address situations where there are inconsistencies with the current legislation and any residential tenancy agreements in place between a landlord and tenant. REINSW has sought clarification on this issue with Warren McAllister on 28 November 2018 and eagerly awaits his response.

It is REINSW's position that landlords, in their absolute and unfettered discretion, should be able to decide whether their property may be sub-let by their tenant and, without providing an exhaustive list, landlords should also be able to determine the nature of occupancy. Accordingly, REINSW wishes to emphasise that tenants, without the express consent of their landlords, should not be able to sub-let the premises for the purpose of short-term rental accommodation. Not only would a tenant be in breach of their residential tenancy agreement, as REINSW currently understands it, but in the event of a claim, the landlord and agent may separately be liable if a tenant unlawfully sub-lets their rental property without adequate insurances and protection.

In circumstances where the tenant has the approval of their landlord to sub-let for the purpose of short-term rental accommodation, REINSW proposes the following:

- (a) such written approval must be lodged on the register contemplated in proposed s54B(2)(c) of the STRA Act;

- (b) a registration fee should be paid by the tenant to assist with the funding of the registers – refer to the discussion below at paragraph 2.6; and
- (c) the tenant must be able to prove that they are properly insured with sufficient insurance coverage (including by providing a certificate of currency),

and, failing such, any registration of the property for the purpose of short-term rental accommodation should be revoked and such tenants should not be permitted to list the property on short-term rental databases and portals.

REINSW is of the view that by requiring the information under points (a) – (c) above, tenants are prevented from listing their properties on short-term rental databases if they do not have express consent of the true owner of the property to do so, as well as preventing short-term rental accommodation when there is a lack of adequate insurances in place.

REINSW wishes to draw the NSW Government's attention to a recent case in September 2018 where a 4 year-old boy died and a 7 year-old girl sustained serious injuries whilst playing on a homemade swing after it toppled down a slope at a property being sub-let for the purposes of short-term rental accommodation. The host did not have adequate insurance and, unfortunately, such an incident brought attention to the gap that exists when a host does not have the required speciality insurance coverage in place. An article written about this matter states that ordinary owner-occupier insurance is not sufficient to cover liability or damages arising when the property is leased or sub-let via a share accommodation or short-term rental platform. Most insurance providers will refuse to cover such liability as holiday rental accommodation is considered to be high-risk. To assist, the full article can be found here: https://www.realestatebusiness.com.au/blogs/17993-who-s-responsible-the-insurance-pitfall-at-airbnbs?utm_source=RealEstateBusiness&utm_campaign=22_11_18&utm_medium=email&utm_content=1

Another concern is the lack of requirements for hosts to ensure that the premises is compliant with consumer safety legislation, including (without limitation) with respect to swimming pools and smoke alarms. REINSW recommends the register include a “tick box” for hosts to select as a means of confirming that the premises is compliant in that respect.

The practice of tenants renting their properties for short-term letting purposes without obtaining landlord consent, without both the landlord and property manager being aware of such arrangement and without the requisite insurance, leaves both landlords and property managers exposed to significant risks that would be minimised with an effective register in place.

On a side note, a register of this sort will prevent any tenant who sub-lets their property online from deriving income illegally by not claiming the income stream in their tax return.

2.4. Guest Register

REINSW further recommends the registering of all guests, prior to bookings being made. A “Guest Register” will form an integral part in safeguarding the interests of all parties involved in a short-term rental arrangement. REINSW suggests that guests should be required to provide proof of identification (such as a driver's licence or passport) and, once verified, guests should be given an identification number, similar to that contemplated in paragraph 2.1 above for owners. This process mimics the traditional check-in of guests at hotels – when a guest arrives, they are required to present themselves to the check-in

desk and will be asked to provide photo identification and a credit card which will be charged at a later time should any damage occur. The traditional check-in process, accordingly, is less prone to fraud and identity theft – compared to the arrival of guests in a short-term rental accommodation whereby guests may arrive outside of normal working hours and are able to “check” themselves in by entering the property using the access details provided by the host or property manager. Accordingly, unless the booking platform so requires, guests may not be properly identified and may even check in under false identities which creates an unimaginable risk in the event of damage to the property. How is a guest to be found if they use false identities and contact details when booking the short-term rental accommodation? As one can imagine, this causes concern particularly as the responsibility of the property (and of hundreds of thousands of dollars in property value) is handed over to the guest and their visitors.

For example, Airbnb has a system in place whereby guests are required to register using their personal details, confirm their mobile number and email address as well as uploading a photo of themselves. Guests are also required to provide verification of identity before they are able to book and only photos of Government-issued ID's will be accepted – once such identification is uploaded, Airbnb then compares this to the uploaded profile photo to ensure it is the same person.

REINSW recommends that the (guest) registration process attract a fee which should be applicable for a period of, say, 3-5 years as most guests may only make use of short-term rental accommodation once or twice a year or situations may present themselves whereby a guest may register but not take a holiday due to a change of circumstances.

2.5. Guests and Chargebacks

The requirement for a guest to identify themselves goes hand in hand with the preventing of “chargebacks”. A chargeback involves the situation where a guest books a property online by payment of a credit card, uses the accommodation, but later the card is proven to be stolen and the funds paid have to be returned to the card owner. Not unique to the nature of online booking portals, if a chargeback occurs, it is most likely that the guest knowingly used a stolen credit card to make the payment. REINSW strongly recommends the introduction of clear guidelines as to who should be responsible for the refund or repayment of said monies – in anticipation of the regulations, the question of who is responsible must not remain unanswered, especially in situations where the property manager stands to lose their fee and usually bears the cost of the chargeback refund.

In light of the above, REINSW further recommends the following:

- (a) If a chargeback occurs and the proceeds have already been disbursed to the owner, there should be set guidelines and procedures to follow – generally, agency management agreements do not contemplate this type of fraud. REINSW is of the view that it is unjust, in circumstances where a guest has knowingly committed fraud, for the property manager to stand at a loss in reimbursing the lost fees and proceeds but also the costs of rectifying the damage and additional cleaning. If the funds have been released to the property owner, the owner should be responsible for reimbursing the fraudulent expenses as well as ensuring the property manager is not at a loss. Inversely, if the property manager obtains or receives a benefit or commission from the booking portal for the booking itself, such commission should be paid to the property owner by the property manager to help mitigate some of the loss sustained. Put simply, REINSW does not believe that the property manager should stand to make

a loss, nor should they gain a benefit or commission should the property owner be required to reimburse the stolen funds.

- (b) Unless the guests can prove that they are not guilty of fraud, in the event of a chargeback, such guests' registration should be revoked and the details of their breach of the code of conduct (and their committing of an offence) should be listed on the exclusion register. It is also recommended that all documents and correspondence relating to the chargeback should be retained by the property manager for a specified mandatory period to assist with the resolution of the offence and to streamline the reimbursement process.
- (c) It should also be noted that financial institutions should not be authorised to debit the agent's trust account – instead, they should debit the general account to avoid any contravention of the strict requirements and legal obligations surrounding an agent's trust account and accounting process.

2.6. Who should develop the register?

It has been brought to REINSW's attention that the Office of Fair Trading lacks the funding to initiate and maintain the registers contemplated by the STRA Act and discussed in this Submission. Considering this, REINSW proposes that the registration system should be a self-funded mechanism. REINSW suggests that, where registration of a property or guest occurs, a fee should be paid into a short-term rental accommodation fund whereby annual renewal is required. It would be anticipated that owners would bare a heavier fee than guests (i.e. \$150 - \$200), considering that such fees are not uncommon when listing on an online booking platform and, accordingly, will be put to good use in maintaining and monitoring the contents of the registers. A subscription fee may also be charged to real estate agents who will require access to the register to be able to adequately inform themselves of those industry participants who are excluded from participating in short-term rental accommodation arrangements. Such a scheme would be similar to the Property Services Compensation Fund whereby a \$71 contribution is included in the cost of the renewal or grant of a licence for agents. As the NSW Government is aware, these contributions form the fund available to those who have suffered a loss because of a 'failure to account' – referring to a failure by a licensee to account for money or other valuable property entrusted to the licensee in the course of carrying out their business.

In light of the above, REINSW wishes to offer its services in establishing, maintaining and managing the registers contemplated in this Submission and those registers proposed by the STRA Act. If the proper funding was provided to REINSW, REINSW would be more than happy to do this because it recognises the need for the registers which comprise an invaluable resource in the management and regulation of the short-term rental accommodation industry.

3. Conclusion

REINSW continues to express its concerns that the short term letting industry is one of the most unregulated industries in Australia – it allows individuals, often not the owner of the property in question, to rent a property for the sole purpose of deriving an income, often without insurance and with no regard to guests. Accordingly, and once again, REINSW applauds the NSW Government's initiative in seeking to create a robust and workable framework for this sector, which is one that will only continue to grow into the future. However, REINSW hopes



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the NSW Government appreciates that this framework will only be successful and workable with the implementation of the registers discussed in this Submission.

It is REINSW's hope that the suggestions in this Submission will be taken into consideration and implemented to create an improved and streamlined short-term holiday letting system in New South Wales.

REINSW appreciates the opportunity to provide this Submission and would be pleased to discuss it further, if required.

Yours faithfully

Tim McKibbin
Chief Executive Officer

The Real Estate Institute of New South Wales Limited

Submission response to the Short-term Holiday Letting in NSW Options Paper

Date: 31 October 2017

To: Director, Housing Policy
Department of Planning and Environment

Delivered: By email to STHL@planning.nsw.gov.au

1. INTRODUCTION

This Submission has been prepared by The Real Estate Institute of New South Wales Limited (REINSW) and is in response to the *Short-term Holiday Letting in NSW Options Paper* released in July 2017.

The REINSW is the largest professional association of real estate agents and other property professionals in New South Wales. The REINSW seeks to promote the interests of its members and the property sector on property related issues. In doing so, the REINSW believes it has a substantial role to play in the formation of regulatory policy in New South Wales.

This Submission has been principally prepared by members of the Property Management Chapter and Strata Management Chapter Committees of REINSW, as well as members involved in the short-term holiday letting specialisation. These members are licensed real estate professionals with experience and expertise in the residential property management, strata management and short-term holiday letting areas of real estate practice, which includes the leasing and management of residential properties.

It is REINSW's hope that suggestions in this Submission will be implemented to create an improved short-term holiday letting system for New South Wales.

2. KEY MATTERS FOR CONSIDERATION

The growth of the short-term holiday letting sector has been rapid and shows no signs of slowing down. The emergence of online booking providers has made it easier than ever before to book and pay for stays in private properties, and the development of the sharing economy has seen people become more willing to open the doors of their homes to strangers.

But, like many sectors impacted by technological disruption, regulation has not kept pace with the evolution and growth of short-term holiday letting. Regulation of the sector across New South Wales has lagged and can be described as piecemeal at best, with local councils taking different approaches to regulate the activity within their jurisdictions. With no standardised approach to short-term holiday letting, confusion often reigns.

The REINSW applauds the NSW Government's initiative in seeking industry and stakeholder input to create a robust and workable framework for this sector, which is one that will only continue to grow into the future. Such a framework will provide greater clarity and guidance for all stakeholders, and will ensure the economic benefits of the sector continue to flow while also managing the social and environmental impacts.

2.1 Taking a balanced approach

Short-term holiday letting impacts a variety of different stakeholders, including (but not limited to) owners, tenants, agents, online booking providers, insurers, local councils, neighbours and the wider community. It also impacts a range of different property types, such as lots in strata schemes and other community-style schemes, and detached dwellings.

Any reforms contemplated by the NSW Government regarding the regulatory framework relating to this sector must ensure the needs, interests and concerns of all stakeholders are represented and take account of differing property types.

In preparing this Submission, the REINSW has maintained a keen focus on the need to ensure fair and equitable outcomes across the sector to create a better short-term holiday letting system in New South Wales.

2.2 Impact on the housing market

a. Availability of longer-term rental housing

On 21 November 2016, the REINSW was invited by the then Minister for Innovation and Better Regulation, Victor Dominello, to a roundtable discussion regarding long-term tenancies. During the discussion, we were advised that the NSW Government was focused on encouraging security of tenure for tenants.

The REINSW believes that the rise of short-term holiday letting has the potential to threaten security of tenure for longer-term tenants. For example, data released by the University of Sydney's Urban Housing Lab recently found that short-term letting platforms have removed 6000 properties from the long-term rental market throughout New South Wales.

More owners are seeking to monetise their extra space by letting anything from a spare bedroom through to an entire property. And, it must be acknowledged, that in many instances the income they can earn from short-term holiday letting exceeds that which they can earn from the longer-term rental market. This is, very obviously, an attractive financial proposition. But a reduction in longer-term rental stock, due to removal of properties into the short-term holiday letting market, has the potential to adversely impact rental availability and runs counter to the NSW Government's stated focus on encouraging security of tenure for longer-term tenants.

By no means being alarmist, the REINSW understands that short-term holiday letting does not suit all property owners. We are not suggesting that there will be a mass exodus of properties from the longer-term market as owners seek to "make their fortune" in short-term holiday letting. However, the impact of short-term holiday letting on the security of tenure for longer-term tenants must be seriously considered.

b. Rental affordability

Flowing on from security of tenure is the issue of rental affordability. Affordability isn't just an issue for buyers, it's also a problem for renters – and it's one that may be exacerbated by the growth in short-term holiday letting.

Across New South Wales, rental stress is increasing as the gap between the median household income and the median rent grows. Rental stress is defined as a household spending more than 30 per cent of their total income on rent. With wage growth remaining low and rent prices increasing, many tenants often need to spend more than 30 per cent of their income on rent.

By way of example, for Sydney the rental affordability gap is illustrated by figures released by CoreLogic RP Data in September 2017:

RENTAL AFFORDABILITY GAP – SYDNEY	
Median yearly rent	\$31,096
Income required to avoid rental stress	\$103,653
Median household income	\$88,000
Affordability gap	\$15,653

Source: CoreLogic RP Data

Any reform to the regulatory framework for the short-term holiday letting sector must take account of the potential impact on rental affordability. As mentioned above, at paragraph 2.2(a), the amount an owner can earn in rent from short-term holiday letting is often more than they can earn from the longer-term market. With the movement of rental stock from the longer-term market to the short-term holiday letting market, it is not unforeseeable that rents in the longer-term market may increase as the number of properties available reduces and tenure becomes more difficult to secure.

2.3 Owners' rights

In balancing the interests of stakeholders, it must never be forgotten that owners should have the right to deal with their property in the manner they see fit. Providing an owner's actions or activities do not break the law and do not adversely impact on neighbours (whether they be owner occupiers or longer-term tenants), what right is there to impose restrictions?

Many owners engage in short-term holiday letting as a means of maximising their return on investment. In some instances, significant financial ramifications may flow if their ability to engage in this activity is curbed.

However, the need to protect owners' rights must be carefully balanced against those of other parties. The rights of the owners of short-term holiday letting properties should not exceed the rights of owner occupiers and longer-term tenants of neighbouring properties.

It should also not be forgotten that short-term holiday letting is a form of residential leasing that is akin to longer-term letting. In the case of longer-term letting, there are a plethora of controls and regulations in place to ensure the rights and responsibilities of owners and tenants are comprehensively protected. The REINSW respectfully asks: Why should it be any different with short-term holiday letting?

2.4 Protecting short-term holiday letting tenants

Booking a short-term holiday stay is a financial investment for the tenant. Unfortunately, there are those instances where, by the time the stay comes around, the property is not available. There are a whole range of reasons why this may happen (e.g. the property was sold by the owner after the booking was made).

What recourse does the short-term holiday letting tenant have to recoup their financial investment? The REINSW believes there must be a refund mechanism in place that can be enforced quickly and efficiently.

Where a short-term holiday letting property is managed by an agent, rental monies are kept in trust. The REINSW believes there should be something similar in place in the case of online booking providers and non-agent operators. This will ensure that short-term holiday letting tenants are not left out of pocket financially should the property become unavailable.

2.5 Protection of amenity

Whether the property in question is a detached dwelling or a strata scheme lot, the potential impacts of short-term holiday letting on the amenity of neighbours must be carefully considered.

The overall amenity of those living in neighbouring dwellings has the potential to be impacted due to a continual turnover of short-term holiday letting tenants who don't have the same vested interest in preserving the existing amenity.

Owner occupiers and longer-term tenants of neighbouring properties must be protected from the potential negative impacts of short-term holiday letting, and there must be consequences where amenity is adversely impacted. Any new regulatory framework must provide mechanisms to promptly correct any actions or activities by short-term holiday letting tenants that negatively impact amenity.

2.6 Enforcement

The REINSW does not believe that a blanket prohibition of short-term holiday letting is appropriate. However, for those property owners who do choose to short-term holiday let, there should be legislated parameters that are strictly enforceable.

Enforceability must be a key consideration in any new regulatory framework. While the REINSW certainly acknowledges that by far the largest proportion of short-term holiday letting is conducted without incident or problem, we need to ensure that there are mechanisms in place to quickly and effectively deal with those situations where things go awry.

a. Co-operation with online booking platforms

The REINSW suggests that online booking platforms should be legislatively bound to comply with certain obligations.

As an example, where the residential tenancy agreement relating to a dwelling specifies that short-term holiday letting (including sub-letting) is not allowed (except in circumstances where permission is granted by the owner), there should be a mechanism to notify the online booking platforms that this is the case. Then, if a tenant advertises the rental property, the online booking platform is obliged to notify the owner or managing agent, who then has the authority to instruct that the listing be removed immediately.

In the case of strata schemes, there could be a by-law in place that specifies obligations applicable to those owners who choose to engage in short-term holiday letting (e.g. the standard of behaviour expected of short-term holiday letting tenants). If the by-law is breached, then the owners corporation or strata managing agent has the authority to instruct the online booking platform that the listing be removed immediately. If the online booking platform doesn't do so, then the relevant regulatory entity should have the ability to fine the online booking platform for the breach.

b. Payment of bonds

Another potential mechanism to encourage enforcement is the payment of bonds. The REINSW submits that a bond should be paid by the short-term holiday letting tenant at the time of booking and making payment for their stay.

Payment of a bond by the short-term letting tenant would provide owners with the security of knowing they will be able to draw down on the bond should damage to the property occur. It would also impose a degree of accountability upon the short-term holiday letting tenant.

The bond would be paid to, and held by, the online booking provider or the managing agent, and would not be released back to the short-term holiday letting tenant until authorised by the owner.

2.7 Mandatory statutory review

The REINSW submits that any legislative reform regarding the short-term holiday letting sector should be subject to a mandatory statutory review.

When it was implemented, the *Residential Tenancies Act 2010* was subject to a mandatory statutory review after five years. Similarly, a five-year mandatory statutory review is applicable to the *Strata Schemes Management Act 2015* and the *Strata Schemes Development Act 2015*.

In the case of short-term holiday letting reform, the same should be the case. However, the REINSW submits that the period should be three years. Why? Because the sector is a fast-moving space that's being heavily impacted by developments in technology and the sharing economy boom. A shorter period for any mandatory statutory review will allow the government to take account of changes impacting the short-term holiday letting sector in a timely manner.

2.8 Mandatory landlords' insurance

The REINSW strongly believes that landlords' insurance should be mandatory for every property that is let in the short-term holiday letting sector.

While it must be acknowledged that there are risks associated with any form of residential letting, the risks associated with short-term holiday letting are heightened. Therefore, the policy should cover risks specific to the sector.

3. INDUSTRY SELF-REGULATION

There are a variety of different participants who advertise and let properties in the short-term holiday letting sector, including property owners, longer-term tenants and managing agents.

The REINSW submits that the majority of managing agents are already appropriately dealing with the short-term holiday letting properties they have under management. They apply the same degree of rigour to managing these properties as they do to those properties subject to longer-term tenancies. They understand their responsibilities and are equipped to quickly and effectively deal with potential impacts to amenity, complaints etc.

However, many properties in the short-term holiday letting market are not managed by agents. There are many private owners and longer-term tenants participating in the sector. How will industry self-regulation capture these non-agent operators? How will it ensure they are complying with their obligations?

Responsibilities and obligations need to be enshrined in legislation to ensure that agent and non-agent operators are regulated, monitored and subject to enforcement action. The REINSW does not believe that industry self-regulation will achieve this – a government regulator must be involved in some capacity. Co-regulation may be a better option, seeing the industry and government working together to achieve the best outcomes for the short-term holiday letting sector.

3.1 Code of conduct

The Holiday Rental Code of Conduct has been in place in NSW since 2012. The key objective of the Code of Conduct was to encourage acceptable standards of behaviour for short-term holiday letting tenants.

The Code of Conduct has never lived up to its promise. It's voluntary and, as such, there's no real incentive to adhere to it. Further, it is roundly viewed as "toothless" because it's not enshrined in legislation and so is not enforceable.

The REINSW agrees with the finding of the NSW Legislative Assembly Committee that the Code of Conduct should be strengthened. The REINSW also believes it should be enshrined in legislation, so it is a formal element of any regulatory framework for short-term holiday letting and can be effectively enforced. By doing this, both agent and non-agent operators will be bound to adhere to the Code of Conduct.

The REINSW believes that the government has a role to play in the management of the Code of Conduct, and must be accorded the appropriate resources to manage and enforce it.

3.2 Complaints management

Without doubt, there must be a complaints management system in place. Given the high turnover of short-term holiday letting tenants and the brevity of many of their stays, it's not appropriate for complaints to immediately escalate to the relevant department within the NSW Government or to the NSW Civil and Administrative Tribunal. By the time the complaint is processed, the short-term holiday letting tenant may be long gone.

The REINSW submits that there must be a complaints process enshrined in the legislation. This system should lay out the hierarchy applicable to complaints and their escalation.

In the first instance, the REINSW suggests that complaints should go to the managing agent or the online booking provider (as is relevant to the given situation). The managing agent or the online booking provider would then be bound to follow a stated complaints procedure within a specified timeframe. If the complaint is not resolved to the satisfaction of the parties involved, then escalation would occur – either to the relevant department within the NSW Government or to the NSW Civil and Administrative Tribunal.

3.3 Education

Whatever the regulatory framework that is put in place, education of all stakeholders and participants in the short-term holiday letting sector is essential. Everyone must know what their rights and responsibilities are, so they can act accordingly.

There are a variety of different participants who advertise and let properties in the short-term holiday letting sector, including property owners, longer-term tenants and managing agents.

Managing agents, because of the training they receive to qualify as agents, know and understand the regulatory framework that applies to the short-term holiday letting sector. They are well positioned to operate in accordance with that framework.

However, many properties in the short-term holiday letting market are not managed by agents. There are many private owners and longer-term tenants participating in the sector. Do these non-agent operators know and understand the regulatory framework that applies to the short-term holiday letting sector? The REINSW respectfully suggests that in many instances, they don't.

To ensure compliance with the regulatory framework, the REINSW suggests that non-agent operators should be required to undertake a mandatory short course. Evidence of completion of this course would be required before they could advertise their property online via any of the online booking providers. This would ensure non-agent operators are fully cognisant of their responsibilities, understand the challenges, are aware of the rights of surrounding neighbours and know of the potential issues and problems that may arise. It would help to ensure compliance with any code of conduct that may be enshrined in legislation.

3.4 Monitoring and reporting

The REINSW believes that ongoing monitoring and reporting must take place. This will provide the NSW Government with the information and data they need to make informed decisions about the short-term holiday letting sector and assess whether the regulatory framework is best meeting the needs of all stakeholders and participants.

The REINSW suggests that there should be a requirement that complaints be reported to the regulator on an annual or bi-annual basis. Managing agents should be required to report on the complaints recorded in their complaints register. Equally, online booking providers should be required to report on any complaints registered with them.

4. STRATA REGULATION

4.1 By-laws to manage visitor behaviour

While restricting short-term holiday letting may be viewed as an impingement on the rights of property owners who wish to engage in short-term holiday letting, the impact of the activity on other owner occupiers and longer-term tenants in the strata scheme must be considered.

The concept of "community" is elevated when owning and/or living in a property in a strata scheme, and how an individual lot owner deals with their property can impact others in the scheme. Therefore, any reform must ensure the impact of short-term holiday letting on other owner occupiers and longer-term tenants in the strata scheme is minimised.

The REINSW submits that where a lot owner engages in short-term holiday letting, they have an obligation to provide all short-term holiday letting tenants with an up-to-date copy of the strata scheme's by-laws.

To ensure this obligation is not onerous, the legislation might require that the by-laws be displayed in a prominent place within the property (e.g. on the back of the front door or on the fridge door).

a. Protecting the amenity of owner occupiers and longer-term tenants

There must be a keen focus on preserving the amenity of other owner occupiers and longer-term tenants. The overall amenity of the strata scheme has the potential to be impacted due to a continual turnover of short-term holiday letting tenants who don't have the same vested interest in preserving the existing amenity.

The potential risks to amenity are many and include, but are not limited to:

- **Security** – For example, many strata schemes have security measures in place to control who comes into the building. In circumstances where keys or access cards are provided to a continual turnover of short-term holiday letting tenants, there is the potential for security to be compromised and the safety of other owner occupiers and longer-term tenants to be put at risk.
- **Noise** – For example, many short-term holiday letting tenants are in 'holiday mode' and are partaking in leisure and festive activities. As a result, there is the potential for them to generate more noise and disturb neighbours.
- **Bad behaviour** – For example, in circumstances where the short-term holiday letting tenants are in 'party mode', excessive drinking may result in bad or anti-social behaviour. Further, due to the brevity of their stay, these tenants may have little regard for how their behaviour impacts neighbours.
- **Rubbish disposal** – In general, short-term holiday letting generates a higher volume of waste. For example, perishable items purchased during the stay must be disposed upon leaving. Short-term holiday letting tenants may also be unfamiliar with rules about how and when rubbish is collected.
- **Parking** – For example, short-term holiday letting may generate more demand for parking. In addition, short-term holiday letting tenants may be unfamiliar with building parking rules and occupy spaces reserved for owner occupiers and longer-term tenants.
- **By-law breaches** – For example, some short-term holiday letting tenants may unintentionally breach the by-laws of a strata scheme because they are unfamiliar with the building's rules.
- **Damage** – For example, a higher turnover of tenants may result in excessive wear and tear to a property. In addition, there is a higher risk of specific instances of damage occurring to common property due to luggage and other supplies constantly moving in and out of the building.

While the risks to amenity set out above are also relevant in the case of detached dwellings, strata schemes are more susceptible to them due to the reliance on shared facilities and a higher proportion of whole-premises short-term holiday letting (i.e. with no host present).

Owner occupiers and longer-term tenants must be protected from the potential negative impacts of short-term holiday letting and there must be consequences where amenity is adversely impacted.

Any new regulatory framework must provide mechanisms to promptly correct any actions or activities by short-term holiday letting tenants that negatively impact amenity.

b. Consequences to owners engaging in short-term holiday letting

Lot owners who engage in short-term holiday letting must take some responsibility for the actions and behaviours of the short-term holiday letting tenants they admit into the strata scheme. Therefore, there must be consequences where amenity is adversely impacted.

By way of example, to ensure lot owners are complying with responsibilities when they engage in short-term holiday letting, a “three strikes” system might be put in place. If three complaints are registered (and verified) with the owners corporation or managing agent regarding activity resulting from short-term holiday letting, a six-month ban would be imposed on the lot owner preventing them from engaging in short-term holiday letting. This ban would also be imposed by the online booking providers, who would be legislatively bound to remove the listing immediately.

Knowing the consequences that will flow from any negative impact to amenity should encourage lot owners to more closely manage and monitor the behaviour of their short-term holiday letting tenants.

It should also be acknowledged that where a lot owner chooses to engage in longer-term letting, a series of strict obligations are imposed upon both the lot owner and tenant under the *Residential Tenancies Act 2010* – and when those obligations are breached, there are consequences. Why should it be any different in the case of short-term holiday letting? Surely lot owners and tenants engaging in short-term holiday letting should be similarly bound.

c. Bonds payable by short-term holiday letting tenants

All lot owners in a strata scheme have an interest in the common property, both financially and in terms of amenity. Therefore, if damage due to the activities of a short-term holiday letting tenant occurs, they should have an avenue of recourse to seek compensation for the cost of repairs.

Further, short-term holiday letting tenants should have a degree of accountability for the impact of their behaviour while staying in a lot that is part of a strata scheme.

The REINSW submits that a bond should be paid by the short-term holiday letting tenant at the time of booking and making payment for their stay.

Payment of a bond by the short-term holiday letting tenant would provide the strata scheme with the security of knowing they will be able to draw down on the bond should damage to common property occur. It would also impose a degree of accountability upon the short-term holiday letting tenant.

The bond would be paid to, and held by, the online booking provider or the managing agent, and would not be released back to the short-term holiday letting tenant until authorised by the lot owner.

d. Additional levies or bond payable by the lot owner

Another potential option is to impose an additional levy upon lot owners who engage in short-term holiday letting.

In this context, it's relevant to note that it's not uncommon for owners corporations to require a bond to be paid when various activities are carried out by lot owners. For example, some strata schemes require owners to pay a bond when carrying out renovations to their lot as a way of securing against the possibility of damage to common property caused due to the renovations.

It is also relevant to note that section 82(1) of the *Strata Schemes Management Act 2015* provides that: "If the use to which a lot in a strata scheme is put causes an insurance premium for the strata scheme to be greater than it would if it were not put to that use, so much of the contribution payable by the owner of the lot as it attributable to insurance premiums may with the consent of the owner, be increased to reflect the extra amount of the premium."

Similarly, legislation regulating the short-term holiday letting sector should provide that in circumstances where a lot owner is putting their property to a particular use (e.g. short-term holiday letting) and, as result of that use, damage occurs to the common property, then the strata scheme is able to recover that cost to repair that damage from the lot owner.

4.2 By-laws to receive compensation for adverse effects

Following on from that set out at paragraph 4.1(d) above, the legislation should also provide that in circumstances where a lot owner is putting their property to a particular use and, as a result of that use adverse effects are suffered, then the strata scheme is able to recover compensation for those adverse effects from the lot owner.

4.3 By-laws to prohibit short-term holiday letting

Current strata laws prevent an owners corporation from restricting an owner from letting their lot. This is captured in section 139(2) of the *Strata Schemes Management Act 2015*, which provides that no by-law can prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing relating to a lot.

A recent decision by the NSW Civil & Administrative Tribunal^{*} confirmed that this prohibition on restricting letting extended to short-term holiday letting, and the Tribunal declared by-laws restricting short-term holiday letting to be invalid.

^{*} *Estens v Owners Corporation SP 11825 [2017] NSWCATCD 52*

The REINSW reiterates that we do not believe a blanket prohibition on short-term holiday letting is appropriate. We do, however, believe that strata scheme lot owners should have the right to collectively manage the impact of certain activities within their building, including short-term holiday letting.

a. Special resolution to pass by-laws restricting short-term holiday letting

The *Strata Schemes Development Act 2015* sets out a strata renewal regime to facilitate the collective sale or substantial redevelopment of an entire strata scheme where 75 per cent of lot owners support the proposal. Historically, termination of a strata scheme required unanimous consent or a court order. This meant, in practice, that a single lot owner could block an otherwise unanimous decision to renew or terminate a strata scheme. The new regime gives power back to the majority in a way that does not unfairly disadvantage a vulnerable minority.

Consistent with the approach taken by the new strata renewal regime, the REINSW submits that a similar approach could be taken to regulate or restrict short-term holiday letting in strata schemes.

For example, for a strata scheme to restrict short-term holiday letting there would need to be a special resolution whereby 75 per cent of lot owners vote in favour of the restriction. That special resolution would put in place a by-law restricting short-term holiday letting in the building in specified ways (such as the number of days per year, number of visitors per stay or banning the activity altogether).

The introduction of such a regime would allow owners of strata scheme lots to effectively manage short-term holiday letting activity in their building and the impact it has on the right of other lot owners and tenants to quiet enjoyment of their properties, while still affording property owners the ability to deal with their property in the manner they see fit and earn income from their investment.

As a corollary to the introduction of such a regime, the legislation would also need to provide that where a special resolution restricting short-term holiday letting has been passed by 75 per cent of lot owners, an owner falling within the minority can't then sue the strata scheme for damages (e.g. for lost income).

b. Enforcement of by-laws restricting short-term holiday letting

To effectively police and enforce restrictions on short-term holiday letting, REINSW believes some sort of registration or reporting regime would need to be put in place. Further, to ensure the integrity of any enforcement regime, online booking providers need to be legislatively bound by the scheme and take an active part in policing compliance.

For example, a regime could be put in place requiring any by-law restricting short-term holiday letting to be registered on a centralised portal. Online booking providers would then be required to cross-check properties advertised on their platforms with those on the centralised portal. If a property is being advertised in breach of a registered by-law, the online booking provider would then be required to remove the advertisement.

c. Limiting the number of days per year

The REINSW does not believe that imposing a blanket limitation on the total number of days per year that a property can be let is feasible, nor is it fair.

By way of example, a lot owner may purchase a property with a view to using it themselves as a weekender or holiday home. However, so the property doesn't sit empty during those periods when they're not using it, they want to offer it for short-term holiday stays. The lot owner may only occupy the property themselves for six to eight weeks a year. Limiting their ability to let it out for short-term holiday stays for the other 44 to 46 weeks of the year unfairly restricts their ability to earn income from their investment.

While a blanket limitation is not appropriate, the REINSW believes that in circumstances where 75 per cent of lot owners in the strata scheme vote in favour of limiting the total number of days per year (see paragraph 4.3(a) above), then such a limitation should be able to be imposed.

5. PLANNING REGULATION

Local councils across New South Wales take different approaches to regulating short-term holiday letting within their jurisdictions and the lack of a standardised approach to the sector often leads to confusion. It is the REINSW's view that creating a suitable short-term holiday letting framework via planning regulation has the potential to be unwieldy due to the vast range of scenarios to be accounted for (e.g. different property types, locations and more). Further, while individual councils may have specific planning regulations in place, their ability to enforce those regulations is often limited due to a lack of resources.

The REINSW believes that, to address this lack of consistency and not impinge on already limited council resources, short-term holiday letting should be regulated at a State level (e.g. in strata legislation, residential tenancies legislation and any new short-term holiday letting legislation).

5.1 Development approval

The REINSW does not believe that putting any sort of development approval (DA) process in place is appropriate.

To require owners who wish to engage in short-term holiday letting to obtain a DA would place additional strain on local council resources and inevitably result in delays. Further, local councils would likely attach a cost, which may have the effect of discouraging owners from pursuing short-term holiday letting.

5.2 Limit the length of stay

Where a property is let for less than 90 days, a residential tenancy agreement (in accordance with the *Residential Tenancies Act 2010*) is not required. Therefore, a limit on the length of short-term holiday letting stays is already in place. The REINSW does not believe any further limitation is required.

5.3 Limit the number of days per year

In accordance with our response at paragraph 4.3(c) above, the REINSW does not believe that limiting the total number of days per year that a property can be let is feasible, nor is it fair.

5.4 Limit the number of bedrooms

The REINSW does not believe that limiting the number of bedrooms is feasible. Such a limitation is unfairly restrictive on larger homes. While such a limitation may be viewed as a way to reduce the potential of large gatherings (e.g. 'party houses'), there are better ways to ensure the behaviour and activities of short-term holiday letting tenants do not adversely impact the amenity of surrounding neighbours.

6. REGISTRATION

The REINSW believes there is value in putting a simple registration regime in place. Where an owner wants to engage in short-term holiday letting, they should be required to register their property. This

registration would take place via a centralised registration portal (administered by the NSW Government) and the property would be assigned a registration number. They would then be required to provide this registration number to the managing agent or enter it into the online booking platform when they seek to advertise the property.

Before listing a property, managing agents would be required to do a simple check of the centralised portal to see if the property is registered. Similarly, online booking providers would be required to conduct a check before activating a listing. If a property is not listed as registered on the centralised registration portal, the property would not be able to be advertised.

A requirement to register a property with a centralised portal also means there will be a mechanism in place to identify those properties being listed with online booking providers by longer-term tenants in breach of the terms of their residential tenancy agreement. REINSW members tell of instances where people lease properties under longer-term leases with the intention of never residing in the property themselves. Instead, they list the property via one of the online booking providers at a much higher rent and turn it into an income-producing activity.

It can be difficult for owners and property managers to know that this is happening. Requiring short-term holiday letting properties to be registered would help identify this sort of activity.

Should non-agent operators be required to undertake a mandatory short course before being able to engage in short-term holiday letting (see paragraph 3.3 above), a centralised registration portal would also be a useful means of recording completion of the course. For example, a registration number would not be assigned until the course completion is evidenced.

7. FINAL COMMENTS

The REINSW's review of the *Short-term Holiday Letting in NSW Options Paper* has been very considered, with an emphasis on the smooth application of any new legislation upon commencement. We have maintained a keen focus on providing fair and equitable outcomes for all parties and stakeholders to create a better short-term holiday letting system in NSW.

The REINSW appreciates the opportunity to provide this Submission and welcomes discussion of the issues raised.

Yours sincerely,



Tim McKibbin
Chief Executive Officer
The Real Estate Institute of New South Wales Limited

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 3:35 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

Categories: Dom submission, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 15:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rebecca

Last name

Batson

Name withheld

No

Info

Email

becbatson@gmail.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

To Whom it May Concern

I wish to submit my objection to the Short Term Holiday Rental policy that is currently being discussed.

As a long term resident and business owner in Byron Bay I can see the demise in our community and the obliteration of the accommodation sector.

We have been in the accommodation industry for over 36 years in Byron Bay and we have never seen such a decline in trade as that since AirBnB/short term holiday rentals have started up and taken over our town.

The thousands of homes that are now short term holiday rentals have killed the permanent rental market and the accommodation industry. Businesses are closing and struggling to keep open - that is a fact.

Byron Bay is the jewel in NSW crown and this policy being put forward through parliament is going to destroy the fabric of this unique and beautiful town. A 90 day cap MUST BE put in place, Council MUST BE given the power back to oversee and implement their own policies to protect our town and there needs to be a level playing field.

These holiday houses need to be made accountable, they need to be registered with the ATO, they must have to pay commercial rates, land tax, GST, DA fees etc. All the commercial rates etc that legitimate businesses are having to pay is killing them. There is no incentive to operate a business legitimately, we should all relinquish our licences and practice under these new "share economy" laws and just pay residential rates etc. which will decimate and cripple our councils funds.

Please look at other countries and cities around the world - there are precedences everywhere in controlling these matters - Japan, New York, Spain, the list goes on.

Stand up now to AirBnB before it is too late and they destroy the jewel in NSW crown forever.

Kind Regards,
Bec Batson

I agree to the above statement

Yes

From: Rebecca Kennedy <waterloo.retreat@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

Due to family circumstances (my sister had triplets) i had to move to Wollongong, my original home town.

Rather than move out of my unit completely and put my furniture in storage I chose to host on Airbnb because it gave me the flexibility to still be able to stay in the unit i love, keep all my furniture and belongings but also share the place and location i love with travelers. As an avid traveler myself i know the option of using AirBnB is such a great experience and opportunity to really see a city from a local perspective and enjoy hidden gems like local cafes, shops etc that really help the local business and community.

Also moving back to Wollongong to support my family i had to take time off work, so Airbnb hosting became an economic lifeline (like it does to most of the AirBnB community) to help me pay my mortgage and bills.

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.

Regards,
Rebecca Kennedy
806 Bourke St
Waterloo, Nsw 2017

From: Bec Prodger <bec@shaneprodger.com>
Sent: Monday, 19 August 2019 11:44 AM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Kind Regards

Rebecca Prodger

From: Rebecca Woodleigh <rebecca.woodleigh@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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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.

Regards,
Rebecca Woodleigh
52 Clarence St
Yamba, Nsw 2464

From: Ree Daly <dalybusiness@bigpond.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Ree Daly
22 Ocean View Ave
Merimbula, Nsw 2548

From: Rees Rear <reesrear@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 generates more than twice the income that I could achieve if the property was in a fixed lease. Without this level of income I will be unable to maintain the mortgage repayments so will have to sell it. I enjoy two cleaners and another co host so their work would end also.

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".

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Thank you for reading my submission.

Regards,
Rees Rear
103 Johnston Ln
Annandale, Nsw 2038

From: Richard Gray <richard.gray1@me.com>
Sent: Sunday, 18 August 2019 12:00 PM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category, sent

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

I would like to add that any regulation being considered should not be applied as a blanket to all regions. My property for example is in Jindabyne in the snowy mountains where the vast majority of properties are used solely for short term holiday rentals and have always been. The introduction of platforms such as Homeaway/Stayz and Airbnb have allowed property owners like myself to manage advertising and bookings without paying substantially higher percentages to a real estate agent but either way my property would be available year round for holiday bookings as that is its sole purpose and its is approved for this by the local council. If regulation were to limit this in some way then I would be very concerned with the economic viability of the property. If owners like myself decide that we can no longer justify use for holiday rentals then we would be forced to seek permanent rental arrangements which would availability for holiday tenants in lead to increases in rates. Alternatively we may be forced to sell the property which would lead to a decline in property values.

Thank you reading my submission.

Regards Richard
richard.gray1@me.com

From: Arj <nirmalananda@optusnet.com.au>
Sent: Friday, 6 September 2019 8:41 PM
To: DPE PS STHL Mailbox
Subject: Regulatory changes to home shAring

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 and that all parties, specifically Platforms and Guests should be held to account for their actions and that the burden should not just be overwhelmingly borne by Letting agents and property owners as is the current proposal.

Please find attached my Submission,

Kind regards,

Tina Psarianos

5 coledale Ave

Coledale 2515, nsw

Sent from my iPhone

From: Renata Kastelan <renatakastelan@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 my husband is unemployed, I'm employed as a casual and our home provides some extra cash 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:

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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:

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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.

Regards,
Renata Kastelan
The Crescent
Fairlight, Nsw 2094

From: Renato Caiato <caiato.r@bigpond.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Renato Caiato
Kings Cross Rd
Sydney, Nsw 2011

From: Renato Roccon <renrocks@iprimus.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 have a spare room, it brings in a small amount of extra income and I enjoy meeting the guests.

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".

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Thank you for reading my submission.

Regards,
Renato Roccon
575-579 Great N Rd
Abbotsford, Nsw 2046

From: Reuben Manzart-Simmons <reubensimmons@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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I host on Airbnb because...

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Thank you for reading my submission.

Regards,
Reuben Manzart-Simmons
13 Jardine Ct
Ocean Shores, Nsw 2483

From: rewa baillie <awerservices@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
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Subject: Submission to Short Term Rental Accommodation Discussion Paper

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- Require evacuation or emergency plans and guest education

STRA Property Register

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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.

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Thank you for reading my submission.

Regards,
rewa baillie
1-7 Main St
Bellbrook, Nsw 2440

From: Rexeen Garry <rexeeen@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 the guests come to seek refuge from the busy hustle and bustle of city life, and they are able to enjoy the tranquillity and peace of a country village. They come mostly for two nights and are able to relax and walk in the National Park, view the wildlife and find pleasure in the simpler aspects of life in general.

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:

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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.

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Thank you for reading my submission.

Regards,
Rexeen Garry
Osborn Ave
Bundanoon, Nsw 2578

From: Rhonda Howie <rhondahowie@hotmail.com>
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 it is a means of generating much needed income to supplement my husband's pension and my loss of income. A series of events over the last 2 years were financially catastrophic for us which has included:

- serious ill health
- few job opportunities in a rural area with little income potential in spite of years of professional contribution to this community as Director of Monaro Early Intervention Service
- loss of assets and mental health issues which have resulted from all of this.

Hosting our house on airbnb has returned a vital sense of purpose to our lives, a small income source that is making the difference between survival and losing everything, and most importantly a sense of hope and reason to live.

We have only been hosting since the beginning of July and it has been a powerfully positive experience. We have hosted many different people from many different countries and shared our home, this beautiful snowy mountain region & the wonderful experiences of this natural environment, nature & ecology. The feedback from guests has been of the highest recommendation. Having the opportunity to stay in a home and experience not only the magic of this rural natural setting but also the opportunity to come together and share interactions, stories, and cultures is beneficial for guests & hosts. What airbnb offers is truly unique. This is reflected in the significant increase in the number of people visiting regional NSW and staying in airbnb. Obviously airbnb is meeting a need that other tourism operators are not. The current regulations being discussed for implementation by the government will have negative repercussions and in its current form make hosting untenable for many hosts.

With the increasing number of pensioners every year and burden on the tax payer system it would seem appropriate for government to be looking at ways to encourage active pensioners to seek supplementary means to generate income, like airbnb hosting. This would alleviate some of the burden. It seems timely for government to look at potential ways to address a growing problem rather than place insurmountable hurdles in the way.

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.

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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.

Regards,

Rhonda Howie
794 Avonside Rd
Avonside, Nsw 2628

From: Rhonda Rourke <r.rourke@bigpond.net.au>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 as a long time single mother, the upkeep on the house is expensive. The few dollars I earn after the work I put in provide some extra income to a house that I own and should have the right to use as I wish. I'm saving to paint the outside of the house as the wood is rotting.

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".

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- Respect the ancillary use of my home for home sharing

- Mandate smoke alarms – either battery operated or hard-wired which I already have installed.
- Require evacuation or emergency plans and guest education, which I currently have displayed.

STRA Property Register

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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.

The people I think you should target is those people who lease many properties and run it as a big business. They should have different rules. For example, owning more than 2 properties. Often these people are living overseas and having locals clean them, with keys left in key boxes.

Don't make it difficult for the mum and dad, who sacrifice privacy for a few dollars, often where there are no hotels for visitors on a budget such as casual workers to Sydney, family members visiting family who don't have room to put them up.

Thank you for reading my submission.

Regards,
Rhonda Rourke
Forest Rd
Miranda, Nsw 2228

From: Rhonda Russell <rhonda@scopesigns.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 like to share our beautiful homely property with local, inter state & overseas visitors. We make it affordable for families & it brings revenue to our community.

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".

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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.

Regards,
Rhonda Russell
29 St Georges Rd
Saint Georges Basin, Nsw 2540

From: Richard Cram <richardcram@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Richard Cram
7 Catalina Cres
Avalon Beach, Nsw 2107

From: richard eastman <r.eastman@atelieraura.com.au>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
richard eastman
190 Gleniffer Rd
Bellingen, Nsw 2454

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 5:11 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

Categories: Purple category

Submitted on Fri, 30/08/2019 - 17:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Richard

Last name

Jones

Name withheld

No

Info

Email

richojones@bigpond.com

Suburb/Town & Postcode

Byron Bay

Submission file

[190830-sucasa-stra-submission.docx](#)

Submission

Hello

Please see my submission file attached.

Sincerely

Richard Jones

I agree to the above statement

Yes

From: Richard Lowder <rmldowder@icloud.com>
Sent: Tuesday, 24 September 2019 9:22 AM
To: DPE PS STHL Mailbox
Subject: STRA Discussion Paper

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I am writing to voice my concern about the possible outcomes of the STRA discussion paper.

As an owner and resident of a unit in a stable and peaceful strata title building, I am concerned that the outcomes may have a large negative effect on quality of life in our residence.

Strata buildings need to be able to determine their own position. The imposition of short term rentals will have a big impact on costs and the peace and serenity of life within the building. The permanent residents need to have a say and vote as to whether short term stays are allowed within a particular building. We have a very good relationship with all tenants in our building. The inclusion of short term rentals will change the dynamic considerably and reduce the harmony that is currently present.

I strongly urge you to consider the wishes of residents to determine their own rules within each strata building.

Yours sincerely,
Richard Lowder
Unit 1709/127 Kent St
Millers Point, NSW 2000

Sent from my iPhone

From: Richard Mackenzie <rmackenzie@oceanandmerchant.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 the income assists with our costs of property ownership and having guests is good for the community in general.

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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.

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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.

Regards,
Richard Mackenzie
149 Edgecliff Rd
Woollahra, Nsw 2025

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 7:21 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

Categories: Purple category

Submitted on Fri, 30/08/2019 - 19:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Richard

Last name

Streamer

Name withheld

No

Info

Email

streamer@ozemail.com.au

Suburb/Town & Postcode

Hawks Nest, 2324

Submission

My wife and I are residents of Hawks Nest in an area known as Winda Woppa. Over the last 25 years we have seen a dramatic increase in short term holiday rentals (STHR) in our area. This has seen a reduction of permanent residents in our local area and we know of people who have moved away

specifically because of the impact of STHR. The increase in STHR has brought people to town but we have seen an increase in antisocial behaviour, increase in crime, increase in traffic, rubbish left on beaches and in parks and a general decrease in the quality of life in our area. STHR do not necessarily help support businesses on a year round basis. As the permanent population decreases business find it hard to get staff and are affected by the ups and downs of visitor numbers. A permanent population allows businesses to plan for a more consistent cash flow, better access to staff and a more sustainable future.

Whilst the new STHR legislation and the code of conduct go some way to addressing some of the issues there are some areas which need further review.

1. The regulations for country areas allow rentals year round versus only 180 days in Sydney. The 180 day period should also apply to country areas to give the permanent residents respite from STHR. This should not be left to local councils to regulate.
2. I do not understand why rental periods over 21 days do not apply the maximum number of days a property can be rented. It should count.
3. There is no mention in the regulations about the maximum number of bedrooms that a STHR property can have. The regulations do specify a maximum of 2 people per bedroom or 12 people whichever is lesser. This indicates a property could have six bedrooms. My impression from previous discussions was that STHR properties would be limited to 4 bedrooms.
4. There is no mention in the legislation in regards to car parking. One house near us had 13 cars one weekend. The street was parked out, cars were parked on neighbours lawns and blocked driveways. Often STHR occupants with numerous cars with 1 person per car. The number of cars should be limited to the garage/off street parking spaces available at the STHR property. One property near us has 2 garage spaces and 2 driveway spaces. The garage spaces are not available as they are locked up with the owners possessions. Therefore only 2 driveway spaces are available.
5. There is a curious mention in the code of conduct about the STHR occupants and "their visitors". What constitutes a visitor? If a 4 bedroom property is rented for a number of nights by 8 people and they have extra stay for one of the nights sleeping on the floor of the lounge room do they count as visitors? A visitor needs to be defined as someone who does not sleep over night at the property.
6. The major impacts of STHR is often excessive noise and antisocial behaviour. Noise in particular is a major problem which includes loud music as well as loud voices and shouting. In our area most STHR houses have outdoor entertaining areas which are especially used in summer periods. The noise travels long distances and often does not cease until the early hours of the morning. Whilst the code of conduct does address this there is no reference to specific noise regulations as set down by the EPA. These regulations need to be referred to in the code of conduct and all STHR hosts need to make their occupants aware of the regulations.
7. I am concerned as to how complaints need to be reported and what supporting evidence is needed to substantiate a complaint. Where noise and antisocial behaviour is concerned neighbouring residents are

generally reluctant to approach STHR occupants to complain for fear of reprisal. In our area it s also very difficult to get the police to respond to a noise complaint as our local police station is not manned at night and any calls are to the police are transferred to stations over 30 minutes drive away. So what constitutes supporting evidence. Are photos, videos and recordings OK? There needs to be some more detailed guidelines.

8. I am in full agreement with the "strikes" policy against hosts and guests. Hopefully this will go a long way to improving the overall conduct of STHR guests and will make hosts vet their guest more rigorously. One issue that we have seen with guests is that only 1 person in a group needs to be registered when renting a property. Any complaint to the host or their agent is usually only attributed to that 1 person. The next time that group wants to book somewhere they just book using the name of another person in the group at another property. The only way around this is that all persons in a group renting a STHR should be registered. This is the same as if you were to check into a hotel or motel. That way any strikes or bans would be applied to everyone in the group.

We look forward to the introduction of the legislation and code of conduct and hope it will improve the lives of all residents who have to live with STHR as a neighbour.

Richard Streamer

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 9:40 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 21:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Richard

Last name

Wilson

Name withheld

No

Info

Email

ricco4857@hotmail.com

Suburb/Town & Postcode

2481

Submission

I am opposed to any amendments to legislation that supports any increase in the number of days allowed either by Air BNB or any short term holiday lets in residential areas of Byron Shire. As a resident of Byron Bay for over 50 years I am extremely angry at the damage done to long term rental availability by various holiday letting platforms. The lack of compliance by most operators is disturbing. Even more disturbing is the lack of support for the local community whose amenity has been degraded significantly as a direct result of these Illegal operations. Byron Bay is buckling under the pressure of rampant tourism and the side effects which accompany this industry. Albeit tourism whilst it is good for the minority, it causes extreme problems for the majority who do not profit from this rapacious industries. All around the world, major tourist destinations are realising the problems caused by Holiday let platforms, and are taking action to ring them in and reclaim their 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: Tuesday, 10 September 2019 11:02 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 11:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Richard

Last name

Woodburn

Name withheld

No

Info

Email

burdekn@bigpond.net.au

Suburb/Town & Postcode

COOGEE 2034

Submission

I live in a block of 50 units. One owner has been short term leasing for the past three years, with disastrous impact on all other residents. All of us are very frustrated by the sheer length of time that it has taken for the Government to address our concerns on the impact that this is having on our daily lives, with seemingly endless reviews and reports, none of which are solving the problem and which seem to be driven by the short term letting industry at the expense of residents who want to live in a normal residential environment, not a hotel!

Our Strata Committee has been powerless to take action against the short-term letting owner. Despite some 30 breach notices, with subsequent mediation by the Office of Fair Trading at which the owner declared that she would not cease the practice, it appears nothing can be done as the government is sitting on its hands with protected enquiries and reports which to date have lead nowhere, and have only allowed the short term letting industry get a firmer foothold in our communities.

It is clear that this issue is not about "Home-sharing" – it is an industry which has been allowed to take a very strong foothold, ignoring all the rules. It is about a few investor owners being able to buy into an apartment complex and have a devastating impact on a large number of other residents.

Issues that we have had to deal with include:

- Non-compliance with our By laws, our Development Conditions and Council zoning
- Overcrowding of unit - 10 people in a 2-bedroom unit on numerous occasions
- Excessive noise, particularly in outside walkways, entrance foyer and corridors, with many late night and early morning departures
- Complaints from elderly residents who thought they had bought into a secure building, only to find themselves continually surrounded by strangers
- No on-site management - the owner lives 300 km away and "guests" let themselves in. Other residents have had to take on the roles of orienting new "guests" to the building and our area.
- "Guests" unfamiliar with By laws and hence non-compliant on many aspects. In the first year of the short-term letting there were 30 breach notices issued for this unit, and only 6 for the remaining 49 units. In respect of the 6 issued to the other units, there was a 100% immediate rectification of the issue, but in the case of the short-term letting unit, the issues were simply on-going and ignored by the owner.
- "Guests" parking anywhere. There is one car space for this Unit, but often there are many "guests", with multiple vehicles. Residents regularly come home to find their allocated car space taken.
- Inappropriate waste disposal. We have found bags of rubbish in our gardens and there is little compliance with our sorting guidelines for recycling, leading to rejection of some bins on pick-up and added expense for alternative disposal.
- Damage to common property. At least three incidents attributable to careless "guests" but for which we have been able to obtain recompense.
- Breach notices issued have been responded to by the owner's lawyer seeking firm evidence and CCTV footage, meaning that we had to seek our own legal advice - our Strata's costs are now in excess of \$10,000

As a member of the Strata Committee, voluntarily giving up my time, I have spent considerable time and effort orienting short term "guests" to the building and area, listening to the concerns of other residents, rectifying incorrect garbage issues and dealing with issues arising from breaches of our By laws. This is cost-shifting by the owner!

As the way forward, I submit:

- There should be a cap of 60 days on any short term letting where the property is un-hosted. Whilst I support the right of residents to share their home with others, and even lease out their units whilst they themselves are away for short periods, I strongly object to non-resident investor owners using our apartment block as a hotel. The proposed 180 limit is simply not acceptable - it would allow leasing for every weekend of the year, plus another 80 days at other periods - virtually continuous and would be very difficult to monitor and enforce.
- There needs to be a register of properties available for short term letting so that we can readily identify such units and ensure compliance.
- There should be no short term letting allowed where it isn't permitted under Council Zoning and Development Consents.
- There should be the ability for Stratas to levy additional charges and fees to recover the additional costs imposed by having short term letting in their blocks.

I agree to the above statement

Yes

From: Rienna De Visser <riennadevisser@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 love meeting new people and travelling myself. Hosting helps me save extra money to be able to travel more. The rising cost of living in NSW has had a negative effect on our savings so earning extra money by simply having a fellow traveller rest their head is a blessing for us.

As a business owner within your electorate I can confirm that since the increase in Airbnb properties in the area I have seen an increase in tourist dollars to our small town, who would otherwise have either not visited the area or stayed at larger hotels and not even set foot in Cessnock.

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.

Regards,
Rienna De Visser
16 Lindsay St
Cessnock, Nsw 2325

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 10:56 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

Categories: Purple category

Submitted on Thu, 22/08/2019 - 10:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rifat Ara

Last name

Rimi

Name withheld

No

Info

Email

rifataustralia@yahoo.com

Suburb/Town & Postcode

MOSMAN

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

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: Tanjenong Cottages <tanjenong.cottages@gmail.com>
Sent: Thursday, 5 September 2019 12:49 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Flagged

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

We run a three cottage farm stay that is essential for the survival of our overall farm operation. The cottages are spaced 200-300 meters apart and noise has never been a problem. One of the cottages is a three bedroom cottage with a king sized room, a queen sized room, and a bunk room with a double bed and 3 singles so that a family gathering of 9 people is possible, usually two sets of parents and 4 or 5 kids in the bunk room. There is a large open plan living/dining/kitchen area that easily accommodates those numbers. It is by far our most popular for a number of our return customers. For us to lose this as a farm stay dwelling would be disastrous.

We are being punished for the sins of others that pack far too many people into small places to maximize profits. Allowing us to have an avenue of appeal for a country property with either the registration body or our local council would be very helpful.

Thank you for your consideration.

Sincerely,

Rob and Deb Kane

Tanjenong
6875 Taralga Rd
Curraweela, NSW, 2580

From: Rob Dielman <rob_dielman@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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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.

Regards,
Rob Dielman
272 Riverview Rd
North Narooma, Nsw 2546

From: Rob James <robbjames66@bigpond.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Rob James
28 Sandstone Cres
Tascott, Nsw 2250

From: Rob Jennings <robert.jennings@det.nsw.edu.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 my wife and I have built a granny flat for our parents to use in a few year's time. In the meantime, we have chosen to use Airbnb to rent the villa as it gives us an opportunity to have local and international guests experience Sydney from a homely perspective. It's not rented full time but we like to keep an eye on it through cleaning and general maintenance. It

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.

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Thank you for reading my submission.

Regards,
Rob Jennings
1 Kinsel Grove
Bexley, Nsw 2207

From: Robert Bowie <eskavos@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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 as a retiree, I enjoy the interaction with guests to our rural town together with the opportunity to encourage those guests to enjoy and exploit the local attractions and businesses. The income generated by hosting is not the main reason for undertaking that but it does help to supplement my superannuation monthly pension.

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.

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Thank you for reading my submission.

Regards,
Robert Bowie
30 Salisbury St
Uralla, Nsw 2358

From: Robert Campbell <phascogale33@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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- 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.

Regards,
Robert Campbell
72 Henrietta St
Waverley, Nsw 2024

From: Robert Clark <roboclark81@hotmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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:

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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.

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Thank you for reading my submission.

Regards,
Robert Clark
2 Melrose Parade
Clovelly, Nsw 2031

From: Robert Donaldson <bobdonaldsondrums@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Robert Donaldson
131 Hastings Parade
North Bondi, Nsw 2026

From: Robert Dunn <robert@dunnclan.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Robert Dunn
16 Cole Cres
Narooma, Nsw 2546

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 2:55 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 02:54

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robert

Last name

GEORGE

Name withheld

No

Info

Email

rgeorge470@btinternet.com

Suburb/Town & Postcode

Zetland

Submission

The latest iteration of The NSW Government's proposals are as bad and damaging as ever. Proposing an industry led register for something potentially impacting on thousands of innocent parties is shameful and madness. One would have thought the recent governments led debacle of industry led building regulation and non statutory regulation and collapsing apartment blockss would have been a wake up call to the sleepy hollow of NSW planning but obviously not. International experience clearly demonstrates that the potential for Sydney to become another Venice, New York or Paris in terms of loss of permanent residential accommodation to citizens to favour the fast buck brigade and the damage to existing residents particularly in apartment buildings is immense. The strictest possible controls are required and what you propose amounts to free-for-all deregulation. PLEASE DONT DO IT. I list below a number of specific objections and requests;

All STRA in all residential strata schemes must be made a complying development not exempt development to ensure mandatory fire safety standards are met, with inspection by local council or a private certifier.

Un-hosted STRA in residential strata schemes must be capped at a maximum 90 and preferably 60 days for the Greater Sydney Region to contain STRA to "Home Sharing". All Un-Hosted STRA is to count toward the maximum cap. No exceptions.

Residential strata schemes in mixed use and commercial zones with express prohibitions on short term letting must have their development consent conditions preserved.

Register: The planning law changes should not start without the Register, which must be a government run register or a neutral platform not part of the short-term letting industry. The Register must include reporting of day of occupation (caps), the Host must disclose all the platforms on which the premises is listed. Local Councils must be involved in designing the system and have unimpeded access to data. The Register must generate a unique Host ID.

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 planning law criteria so it is clear the use of unregistered premises for STRA is illegal and penalties apply. The Host must display the unique Host ID on all listings.

Platform Obligation: There must also be a legal obligation for Platforms and agent not to list an unregistered residential dwelling for STRA. The 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 display clearly the Host's unique ID.

Residential schemes must have authority to levy charges and fees to Hosts conducting STRA.

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

Robert George

I agree to the above statement

Yes

From: Rob Gray <robertgray_uk@yahoo.co.uk>
Sent: Thursday, 5 September 2019 9:59 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards,
Robert Gray

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 1:23 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 13:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robert

Last name

Jeffer

Name withheld

No

Info

Email

robert_jeffer2003@yahoo.com.au

Suburb/Town & Postcode

DEE WHY, 2099

Submission

The aim of short term home sharing (AirB&B) is that the host resides in the home (on site). Therefore, the host should actually be living in the residence when the guests are utilising the premises.

IT IS ESSENTIAL that multi unit (apartment) buildings have the right to include provision in their By-Laws to require that an owner actually reside in the unit.

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 8:27 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

Categories: Purple category

Submitted on Thu, 15/08/2019 - 08:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robert

Last name

Lejeune

Name withheld

No

Info

Email

boblejeune@internode.on.net

Suburb/Town & Postcode

Stony Creek 2850

Submission

I submit that holiday parks should not be excluded from the code of conduct if they advertise and provide short term accommodation.

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: Robert Lidbetter <rlidbetter@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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... my wife and I are retired. We raise some money hosting and enjoy the experience of meeting people.

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".

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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.

Regards,
Robert Lidbetter
10 Heron Pl
Sawtell, Nsw 2452

From: Robert Macindoe <robert.macindoe@bigpond.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Robert Macindoe
10 Saltwater Row
Murrays Beach, Nsw 2281

From: Robert Partridge <bobgailp@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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 as a self funded retiree I am already eligible for an age pension but refuse to claim the pension while receiving a modest income through this Airbnb home sharing business.

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

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Regards,
Robert Partridge
21 Chapman St
Port Macquarie, Nsw 2444

From: Robert Perillo <r.perillo@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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Thank you for reading my submission.

Regards,
Robert Perillo
Addison Rd
Manly, Nsw 2095

Feedback on STRA Discussion Paper and Draft Instruments and Regulations

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

- All dwellings –

Agree no more than 2 persons per bedroom/12 persons per property.

Agree to smoke alarms.

Don't agree with lighting of hallway unless it is part of the smoke alarm itself.

Multi unit –

Agree re entry doors.

Agree re fire extinguishers and fire blanket in kitchen.

Agree with evacuation signage.

Stand alone dwellings –

Agree with heat detector when a garage is not accessible by guest and is underneath the property.

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

- No

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

- Days

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- Yes

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

- None

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?

- Yes

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

- None

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?

- Yes

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

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- Registration Fee – for property owners to register
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- Excessive for a first offence. Maybe it would be more appropriate to determine the penalty amount based on a certain percentage of the booking amount that it relates to.

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

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- Through registration and administration fees imposed on guests and registrations fee for STRA properties.

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

- There should be a State Government representative on the STRA Committee.

23. Are there other outcomes a register should deliver?

- No

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

- This should be determined by the STRA Committee.

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

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- No, This is covered in penalties detailed above and in the Code.

27. What information should the register collect? Why?

- Agree – name & contact details of host
- Agree – address of property
- Do not agree that it should include the number of days the property is booked as bookings can be cancelled or varied, although it could include the number of days a property is actually stayed in.
- Do not agree that if it is a strata building, that the register should include whether the STRA complied with the by-laws. This is because if it does not comply with these by-laws, it should not be listed on the register in the first place.
- Records of any breaches, enforcement action or ‘strikes’ should be included in the register, but this information should not be available to the general public. However if someone is excluded they should be given right of access to the reasons why they, but not others listed on the register, have been excluded.
- Also be guests name and contact details should be included on the register.

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

- None apart from placing their names on the register.

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

- Information that NSW Fair Trading has upheld complaints, enforcement actions and strikes could be on register, provided it is not available to the general public.

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

- Information as to whether a participant is excluded or not, should be be publically available.

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?

- Registration information, including number of stays (days) could be reported to the Office of Fair Trading and or the STRA Committee, but local government should not be involved in this process.

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

- Same question as No 30.

Commencement of the regulatory framework

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

- This should be determined by the STRA Committee in conjunction with the Office of Fair Trading

34. When should the STRA regulatory framework start? Please provide reasons. This should also be determined by the STRA Committee in conjunction with the Office of Fair Trading. However to comply with the proposed new regulatory framework some STRA owners may need to expend considerable amounts of money. It would therefore be unreasonable for them to, after they have complied with the regulatory framework, to be informed that the Government had approved a local Council's request to reduce number of days that STRA can operate in their Shire, if such a reduction is likely to result in their STRA being no longer economically viable. Therefore for example, until such time as the Ministerial Direction No 37, which may result in parts of the Byron Shire being limited to as little as 90 days, is determined, it would be unreasonable to expect STRA's in the Shire to expend any funds to comply with the new regulatory framework.

12-month review of regulatory framework

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

- Yes

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?

- By encouraging submissions from registered participants or conducting surveys of these participants.
- By submissions being made by relevant industry organisations and others who are concerned about impacts of the regulatory framework on local economies.
- Researchers from Southern Cross University are currently undertaking a survey of opinions about the future of “Short Term Holiday Letting” on the North Coast and they might be interested in undertaking a follow up survey as part of the 12 months review of the regulatory framework.

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My wife and I have been involved in holiday letting, using local real estate agents, for about 20 years, mainly in Brunswick Heads but also in the Gold Coast, Yamba, Angourie and Coogee. I have also been actively involved in the Brunswick Heads Chamber of Commerce’s Holiday Letting Committee for about 16 years and have also been an office bearer in the Byron Bay based Holiday Letting Organisation (HLO). For the last 35 years I have also taken a keen interest in affordable housing issues and was a founding director of one of the largest multiple occupancy communities on the NSW North Coast, and my wife and I have both been former members of the Byron Shire Council’s Affordable Housing Committee. I am also currently a director of Social Habitat Housing Ltd.

About Brunswick Heads

Unlike nearby Byron Bay, there has not been any significant growth in managed STRA accommodation in Brunswick Heads recent years. The range of holiday accommodation is also much more limited than in Byron Bay. Brunswick Heads has three holiday parks managed by NSW Crown Holiday Parks, four motels, one hotel and no licenced bed and breakfast accommodation except for one on the outskirts of the town. Hotel Brunswick currently offers fourteen rooms but will cease offering this accommodation in January 2020.

Brunswick Heads’ tourist demographic is very different from that of Byron Bay and unlike Byron Bay, the town has been a tourist destination for well over 100 years. The Brunswick Heads Simple Pleasures branding has been highly successful in managing tourism and the relationship between visitors and residents is generally very harmonious. Yet the Local Council has persistently ignored representations from Brunswick Heads that the town’s tourism demographic is significantly different than Byron Bay’s and that any marked reduction in STRA is unlikely to have any significant positive effect on affordable housing in the town, but is likely to have a major impact on the local economy, due to the town’s significant dependence on tourism.

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 10:01 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

Submitted on Wed, 11/09/2019 - 21:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robert

Last name

Rosen

Name withheld

No

Info

Email

robertrosen26@gmail.com

Suburb/Town & Postcode

Brunswick Heads 2483

Submission file

[stradiscussionpaperrr.docx](#)

Submission

Feedback on STRA Discussion Paper and Draft Instruments and Regulations

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

- All dwellings –
Agree no more than 2 persons per bedroom/12 persons per property.
Agree to smoke alarms.
Don't agree with lighting of hallway unless it is part of the smoke alarm itself.

Multi unit –
Agree re entry doors.
Agree re fire extinguishers and fire blanket in kitchen.
Agree with evacuation signage.

Stand alone dwellings –
Agree with heat detector when a garage is not accessible by guest and is underneath the property.

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

- No

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

- Days
Byron Shire Council (BSC) are seeking to reduce STRA in some areas to 90 days and is required to prepare "a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area", as per Ministerial Direction 3.7. In addition the Byron Council, in August 2019, agreed at Council Meetings to request the NSW Government to, even prior to the Ministerial Direction No 37 being determined, to reduce all of the Shire's STRA operation to only 180 days a year. However they have not consulted with any potentially effected parties and have only focused on issues that are experienced in the town of Byron Bay, and not on the rest of the Shire. In Brunswick Heads, where there are no significant negative social or affordable housing impacts from STRA, a reduction to either 90 or even 180 days is likely to have a devastating impact on the local economy.

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I agree to the above statement

Yes

From: robert sillar <bobsillar@hotmail.com>
Sent: Tuesday, 24 September 2019 11:37 AM
To: DPE PS STHL Mailbox
Subject: short tem letting

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/madam

As an owner of a unit in the Highgate building, 127 Kent St, Millers Point, NSW 2000 I wish to give my opinion on the proposed regulation on short term letting in this area. AS most of the owners in the Highgate building are owners or 'permanent' tenants a large influx of short term tenants, as would happen with unrestricted Airbnb occupancy, would have an undesirable effect on the quality of their residency as well as adding to the overall cost of living.

I hope issues are considered when legislation is proposed.

yours

Robert Sillar
8 Bombala St
Dudley
NSW 2290

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 2:32 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

Categories: Purple category

Submitted on Wed, 21/08/2019 - 14:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robert

Last name

Timbrell

Name withheld

No

Info

Email

timbrell@iinet.net.au

Suburb/Town & Postcode

Surry Hills 2010

Submission

As a community member who has used Short Term Rental Accommodation as a host and guest in the past and is looking to continue to do so in the future with certainty and clarity, then I fully support the amendments as outlined in the exhibition.

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

17 September 2019

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

Dear Director,

INQUIRY INTO SHORT TERM RENTAL REFORMS AND CODE

The Insurance Council of Australia (ICA) welcomes this opportunity to provide a submission on short-term holiday reforms and proposed code in NSW.

The Insurance Council of Australia (ICA) is the industry association for the general insurance industry. ICA members provide a wide range of insurance products including home and contents insurance, landlord insurance, strata insurance and public liability insurance.

The ICA last made a submission to government on this issue in November 2015.

Since that time the industry has further evolved products for short-term rental (STR) activities. There are now a number of insurers within the market who offer this cover to policyholders seeking to use part or all of their property for STR.

Members of the public are able to locate an insurers who offer this cover via the ICA's Find an Insurer service at www.findaninsurer.com.au

Find an Insurer is an online search portal for insurers and products, established in 2012 by the ICA. To assist with increasing demand, a category for STR was added to the portal in January 2016. Following this addition, the service has received 19,943 online enquiries and 1,521 telephone enquiries in relation to STR policies to date.

Information to improve the code

The ICA does not have detailed views on the types of STR information that would be useful for the Secretary to collect. However the industry would be open to working with the Secretary on insurance issues where they may assist future maturation of the STR code.

Obligations under the code

With regard to the obligations of STR hosts and related parties, the ICA believes the current provisions are sound. However, the industry is concerned about the level of insurance cover that hosts may or may not have.

Most insurers regard STR as a business activity. Neither standard home insurance or landlords insurance are specifically designed to cater for STR exposures. Homeowners and renters could incur uncompensated financial loss if the STR operator does not hold the correct type of

insurance. For example, a standard home insurance policy may not cover for theft or accidents that have occurred as a result of STR activity.

Complaints process

Any complaints relating to insurance under Part 6 of Code, should be managed under existing insurance industry complaints processes detailed in the general insurance industry code of practice at www.codeofpractice.com.au.

Strikes recorded under the code

Strikes recorded as '*a host failing to comply with their insurance obligations and the failure is not minor*' requires greater clarity and alignment with products currently available in the market.

The industry would like to open discussions on this point, to ensure that hosts are able to comply with this requirement by obtaining insurance coverage that is deemed to meet the obligation.

Support for the code

The general insurance industry is supportive of the STR Code. However, the industry has no capacity to contribute to the costs or enforcement of the Code. As this regulatory framework was established by the NSW Government, such activities must fall with their remit.

Transition period

To ensure hosts have compliant and up-to-date insurance policies, the ICA recommends a transition period to allow policyholders enough time to make necessary changes to avoid strikes.

As with other successful regulatory changes requiring adoption by community members, a strong communications plan should be implemented to help homeowners and STR suppliers understand STR code requirements for insurance. The ICA would welcome any opportunity to help shape that communications effort.

If you have any queries please contact Karl Sullivan, Head of Risk and Operations via email ksullivan@insurancecouncil.com.au or phone (02) 9253 5155.

Yours sincerely



Robert Whelan
Executive Director & CEO

From: Karl Sullivan <ksullivan@insurancecouncil.com.au>
Sent: Tuesday, 17 September 2019 11:56 AM
To: DPE PS STHL Mailbox
Subject: Submission STRA
Attachments: 2019_09_17_ICA_Submission_short term rental reforms and Code.pdf;
ATT00001.htm

Categories: Tessa Submissions

Please find attached a short submission on the STRA reforms.

This e-mail is confidential. The information contained in this message is intended only for the use of the individual or the entity named as recipient. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone or return email. The Insurance Council cannot guarantee that this e-mail or the attachments are free of viruses. It is the responsibility of the recipient to ensure that they have procedures in place to prevent damage. Your privacy is also important to us. If you do not wish to receive any further information, please reply to this e-mail with 'remove please' in the subject line.

From: robertwiggins4@bigpond.com
Sent: Saturday, 17 August 2019 4:02 AM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category, sent

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Kind regards,

Robert

Robert Wiggins B Bus, CPA, AFP®, AIMM, SA Fin, SSA
Principal Consultant
FinAdvice Pty Ltd



GODFREY PEMBROKE

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As a landlord and participant in the Short-Term Rental Accommodation (STRA) Industry I wanted to provide my feedback on the Government's proposed regulations.

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 and support my local community. I understand that the Government has made commitments to support "fair short-term rental accommodation (STRA) regulation" and that the review of the Industry is in responses to the negative impact on community's amenity, namely party houses.

Short-Term Rental Accommodation is an important Australian holiday tradition embedded into the fabric of the Australian culture and is at risk because of the abuse of a few who negatively impact neighbourhood and community amenity such as Guests holding anti-social events like 'Party Houses' and as a result of platforms that promote features like 'Instant Book' which assists bookings for 'Party Houses'.

I ask that the Government be mindful that Platforms have created features like 'Instant Book' with no consequence, Guest's have used 'Instant book' for anti-social behaviour such as hosting a party, hens or buck event suffers no consequence (as they change email address or other identify obfuscation to avoid identify detection) however this burden becomes the property owner and letting agent's responsibility. There must be fair and equitable responsibility and consequences suffered by all parties including Platform and Guest.

The STRA Industry is a significant contributor to the NSW economy and helps home-owners to pay the mortgage and bills, to share their spaces with guests so that they can enjoy and participate with other communities and importantly is a recognised financial driver of regional areas where Tourism dollars are spread throughout the local community such as the local butcher, local café, local tourist attraction and the fishmonger. Over regulation and mis-appropriating responsibility and limiting consequences on Guests and Platforms puts this economic driver at risk. The draft Code and STRA Regulation unfairly places considerable burden on the letting manager and property owner.

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:

1) STRA Planning Policy Instruments

a) I strongly oppose the exemption of properties where a host is present.

i. Firstly there is no way to monitor and manage this process and confirm that there is a host present which will result in the creation of a loop hole.

ii. By expressly exempting these properties the government is not addressing the scope that the STRA Review sought to review and address namely concerns about the housing affordability, availability and the impact on amenity. If there is to be credibility and fairness then all elements with potential to impact the housing affordability, availability and the impact on amenity by the STRA Industry needs to be included.

b) 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. This is a significant barrier to home sharing who share their home for a few months (cumulative) a year and will make hosting uneconomical which will end up making holidays across NSW more expensive.

c) We are opposed to the potential of day limits in regional areas as determined by local council. Day caps for holiday rentals not only put the economic uplift associated with the tourism sector at risk, but also fails to address the the most consistently cited concern about the industry, namely the impact on amenity.

d) The proposed 21-day cap is limiting and not reflective of the mobile workforce. It is only in rare cases where an employer can afford a consecutive 21 day booking for accommodation to carry out work. Typically, it is Monday to Friday (5 days) and occurring in several blocks. We recommended that accumulative bookings from the same company is the best measure and is managed by Company name and or Guest name.

There are very few guests who have the means to rent STRA for a period of five days several times a year. Typically this represents a corporate/work booking.

e) We do not support limiting the number of guests allowed in a bedroom 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.

We argue for the current short-term rental code, which has worked well for eight years, to prevail on this matter. The current rules allow for two adults per bedroom, plus two for the household i.e. a two-bedroom property is allowed six people.

For properties that are specifically designed to cater for larger groups than what the above rule would allow, we believe that owners should have the power to apply to their local council for development approval to use their property as a short-term rental and cater a higher number of guests.

f) Options need to be provided to the Host/Letting agent to enforce code and/or terminate the occupation of a guest where a code violation is occurring. An example is where community amenity is being negatively impacted such as a party event is occurring the Letting agent needs authority to protect the amenity and terminate violation in the form of a legal and immediate eviction where the financial loss is borne by the Guest in the form of loss of occupation and associated rent paid and the cost of carrying out such a termination.

g) We support a regulatory approach that provides the best balance for consumer safety, community amenity and the contribution of the sector to the economy. For the NSW approach to work properly, it must treat all properties equally - whether hosted or un-hosted, primary or secondary.

h) We believe that 'Terms of Use' and associated agreements used by all participant, including but not limited to; Terms and Conditions, License to occupy, STRA Agreement etc should specifically discourage party houses including the use for bucks, hens events. The strict prohibition of the use of the premise by a Guest for the purpose of holding a party, hens or bucks events should be codified.

It is our recommendation that platforms (as primary booking agent) should be mandated to ensure this is communicated to each guest and that each guest is required to agree and accept this prior to making a booking and when creating an account.

When a guest is found to have contravened this an automatic strike is recorded.

i) Concerning Jurisdiction. Consumer complaints are currently dealt with under the NSW Civil and Administrative Tribunal (NCAT) along with any residential tenancy issues. The establishment of the STRA complaint process sits outside existing established processes

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j) Whilst there is a definition of Guest given, it needs to include all guests staying at the property despite not being listed as the guest who made the booking and all guests details should be captured during the booking process to avoid violation avoidance.

2) 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.

However I recognise the importance of consumer safety and I support the NSW Government streamlining safety regulations which:

- i. Respect the ancillary use of my home for home sharing
- ii. Mandate smoke alarms – either battery operated or hard-wired

3) STRA Property Register

Registration of all holiday rentals – We are supportive of compulsory and simple registration for all properties listed on a short-term rental accommodation platform. When implemented correctly in other parts of the world, the registration of holiday rentals has proven to be a low-cost and effective way of informing the development of sensible rules for our growing sector.

In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. We would agree to a no cost registration and licensing system.

Code of Conduct – the core elements that the regulations and code is seeking to address is; housing affordability, availability and the impact on amenity. With specific regards to impact

on amenity it is the abuse of the STRA Industry by guests who hold parties, hens and bucks events that negatively impact on communities.

It is our view that booking platforms that provide features such as true 'Instant Book' enables a culture of guest abuse as these features are for the direct financial benefit of the Platform but remove all interaction with the guest from the host and Industry participant as the booking is completed within the booking Platform and the Host/letting agent/industry participant has no recourse to qualify or vet the guest as all Guest details and communication with Guest is controlled by the Booking platform in a 'Closed Loop Communication' process.

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True Instant booking occurs via both Airbnb and Booking.com, they are the offending platforms. Stayz/Homeaway offer "Instant Booking" which is in-fact an instant reservation where the host/letting agent/industry participant still has full access to Guest information, ability to communicate with guest to vet and qualify and is not penalised (yet) for not offering or accepting "Instant Booking" requests.

On this basis we believe true 'Instant Book' features should not be available within any Platform and should be mandated by the STRA Code and Regulation.

Industry participants Obligations - 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 require all letting activities to be conducted only by Licensed Real estate agents and that the use of independently audited Trust Accounts be mandatory to ensure protections for guests, host's and landlords is preserved. This provides consumer protections that are already well established and accepted and extends safe guards such as financial management through the use of Trust Accounts, professional insurance such as Professional Indemnity for Real Estate and a well established and robust regulatory framework.

Guest Definition – A guest booking is typically made in one name only, yet a premise may sleep more than one person. The overwhelming majority of STRA premises sleep greater than one person though only one person, the primary Guest details are captured.

It is our belief and recommendation that all persons staying at the property are required to provide adequate identification at time of booking & managed by the Platform to satisfy the Registry to avoid:

- Identity Obfuscation and
- Rorting of the strike/exclusion registry.

When a member of a group booking e.g Primary Guest is found to have violated the Code they can simple either obfuscate their name OR ask another member of the group booking to make a different booking in their name to avoid detection. This way all members of the group booking who participated in the violation are not being held accountable for their actions

Code Definition – The Government via the STRA Code of Conduct and Regulation seeks to address the community and neighbourhood amenity however definitions of community and neighbourhood amenity need to be established. What is considered and defined as reduced community amenity, is it a Party, hence of bucks event?

We strongly believe that a events such as party, hence of bucks need to be defined as inappropriate and included as prohibited events within the Code and that all parties that participate, arrange, hold and or market such events should be held accountable

Complaint registration – We believe that the cost of lodging a complaint by all parties to be set at \$150 or half the maximum actual fee of providing the service as determined by the Commissioner or whatever is the lessor. This financial hurdle is to discourage frivolous and vexatious complaints.

Strikes – The proposed ‘two strikes within two years’ for both Guest and host/letting agent/industry participant is unfair and burdensome and clearly weighted in the favour of the Guest. A guest typically books short term holiday accommodation only once per annum however a host/letting agent/industry participant facilitates a multiplier of 700X. That is, a typical host/letting agent/industry participant facilitates approx. 700 – 1100 guest bookings per annum and therefore the applied percentage exposure to one (1) strike pa is greater than that of a Guest.

Therefore, it our recommendation that the limit should be:

- Guest - two strikes within two years.
- Host/letting agent/industry participant - five strikes within two years.

When a complaint is upheld and the source of the guest booking is found to be a certain platform in five (5) or more occasions within a one year period the platform is penalised by \$100,000 each instance commencing five and more. Up until ten instances within a one year period and then the platform is added to the exclusion register for five year period.

Strikes, nature of complaint – The proposal for a complaint to be valid because of ‘misrepresentation of the state of the STRA premise’ is vague and open to abuse. Within the current Real estate regulation there exist definition and example of how this is treated for residential properties and we believe these should be adopted as they are already industry wide accepted with an established regulatory framework.

Additionally we believe that a complaint should be found valid and a strike recorded when the published, communicated and accepted Terms and Conditions of the letting have been accepted by a Guest and not followed. With special attention to where and when instances of parties, hens and bucks events have been expressly banned by the host/letting agent/industry participant are found to occur as the host has contravened the accepted Terms and Conditions.

Complaints – The current proposal of registering a complaint is open to abuse by serial complainants as there is no recourse of consequence for a person who acts vexatiously or mischievous intent to frustrate the normal operations of a small business.

We propose that when two complaints within a two-year period are found not to be upheld by the commissioner then the complainant should be treated and recorded as vexatious and not to be relied upon.

Supporting Evidence – to avoid vexatious and unsubstantiated complaints it is our submission that each complaint:

a) Must be accompanied by supporting evidence including but not limited to:

- Was the defendant informed of the code violation,
- Was the defendant given opportunity to resolve the matter,
- Documentary evidence, photos, videos, Statutory Declaration, security company report, police and or council ranger report

In the instance where a community amenity is being negatively impacted on such as a party event is occurring (existing draft code unfairly and solely holds letting agent/property owner responsible)

b) The Burden of Proof needs to be on the complainant

Exclusion Register – The burden of being registered on the exclusion registry exempts Platforms from consequence and unfairly lays responsibility directly at the feet of those with lack of resources to argument their case. Currently there exists no provision for Platforms to be subject to complaint, review and added to the Exclusion Register, there needs to be.

There must be consequences for Platforms and we propose that if complaints are upheld and are to be found to have occurred via the use of a certain platform then that platform needs to be held account able.

We suggest that in the instance of ten (10) complaints are valid and upheld by the commissioner within a one year period than the Platform shall be equally listed on the registry and equally not permitted to participate within the STRA industry for five years.

Exclusion Register – Fees and cost recovery should be recovered by all participants including guests and should be self-funded by way of penalties and fines incurred by Industry participants. This avoids any revenue raised via penalties not being rolled up into general consolidated revenue by Government but go directly to the area of industry (Tourism) that needs support.

Additionally, the mechanisms for costs recovery by appropriation according to; number of premises, number of days, STRA revenue and upheld complaints does not apply a provision for Platforms.

Platforms generate hundreds of Millions of dollars each year within NSW STRA Industry and should a) pay proportionately and b) should face consequences and penalties proportionate to their revenue and market dominance.

Penalties - When guests are found to be in violation of Code and penalties are applied they need to be applied to all parties who were present during the occupation. The current proposed amount should apply to each Guest equally. Penalties need to be applied to all guests who stayed at the property during the instance of violation and not solely borne by the guest who made the booking.

This financial deterrent will assist in meeting the aims of the Regulation and Code namely reducing the negative community impact on neighbour amenity.

Register Data Collection and Management - How will data be recoded and stored? What type of data will be captured and used to identify participants?

Classes of Industry Participant –

Please include ChaMello Pty Ltd operating as Emerald + Aqua (ABN: 47602 114 643). Emerald + Aqua operates similarly to organisations listed in the code such as MadeComfy, Hey Tom and AirSorted.

Property & Complaint Register

It is our view that Platforms need to automatically check each guest before taking a booking against the register.

To avoid guest identity obfuscation a minimum:

- Full name
- Driver license details
- Full address
- Email address
- Mobile phone number and
- Date of Birth

is provided as mandatory.

The reason for all of these details is it is very easy to change an email address, insert a middle name or initial to avoid identity matching. Additionally, this will also removed the risk of incorrectly identifying the wrong Sarah Jane or Robert Smith.

STRA Regulatory and Code Commencement – The changes proposed are significant and costly, they represent complex adjustment just as the national economy is poised for a recession.

Typically the height of business activity for the STRA Industry commences from the October long weekend through mid-March we recommend that any commencement begin after that

period. The ideal period is after the Financial year has concluded so therefore beginning of September.

Both the Government and STRA industry need considerable time to design and implement education and awareness initiatives with several audiences:

- General Publish – Guests
- Letting Agents
- Hosts
- Property Owners
- Industry participants, and
- Platforms

Regarding the changes. Furthermore, those carrying the burden of the proposed changes, the Property Owners and Letting Agents need time to finance and organise the complex compliance.

Furthermore micro and small businesses, the backbone to the NSW economy that act as Letting Agents need to finance and support the training of staff, update websites, legal agreements, systems and processes need to be reviewed and updated to reflect the changes and new obligations of parties. This is not insignificant and for micro and small businesses represents a significant financial hardship.

Given these factors we believe a staged approach that provides time for necessary changes to occur and for the phasing in of different components being:

- 1) Stage 1 September 2021 Register Commences
- 2) Stage 2 September 2022 Code of Conduct Commences
- 3) Stage 3 September 2023 Review of Regulation and Code commences
- 4) Stage 4 May 2024 Review of Regulation and Code complete
- 5) Stage 5 July 2024 Review of Regulation and Code findings released
- 6) Stage 6 September 2024 Review of Regulation and Code findings adopted

This phased in approach also neatly address how to apply changes to future accommodation that is booked prior to commencement. Typically accommodation is booked up to 18 months in advance, there can not be two systems/two processes and or two different legal treatment applied to bookings based on Commencement date. A timely staged approach ensures that there is the right approach for all booking situations.

Scope and Administration of Review- how will the social and environment impact be measured? Will the economic benefits/impact be equally measured to quantitate disruption to the NSW economy and regional economies?

Who, where and how will the review take place? How will public comment be sought and how long will the review process take place? How will the success be measured?

As the NSW Government considers how people travel and use their homes today we respectfully submit that we don't need severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

It is the technology that the Platforms provides like 'Instant Book' that is abused by guest's to avoid vetting and qualification by letting agents and it is the Guests wilful anti-social behaviour that goes with limited scope of consequence. These two behaviours by the Platform and Guest is unfairly carried by the letting agent and property owner. We submit that it is these two participants (Platforms and Guests) where greater scrutiny and control should be applied.

Our communities rarely had these issues before Airbnb and Booking.com came to our shores.

Thank you for considering my submission.

Kind Regards,

From: Bailey Family <baileyclan@iinet.net.au>
Sent: Monday, 9 September 2019 7:39 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW
Attachments: STRA Code of Conduct Submission.pdf

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 and that all parties, specifically Platforms and Guests should be held to account for their actions and that the burden should not just be overwhelmingly borne by Letting agents and property owners as is the current proposal.

Please find attached my Submission,

Kind regards,

Roberta Margaret Bailey

4 Jenolan Place,

Tatton NSW 2650

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Strikes, nature of complaint – The proposal for a complaint to be valid because of ‘misrepresentation of the state of the STRA premise’ is vague and open to abuse. Within the current Real estate regulation there exist definition and example of how this is treated for residential properties and we believe these should be adopted as they are already industry wide accepted with an established regulatory framework.

Additionally we believe that a complaint should be found valid and a strike recorded when the published, communicated and accepted Terms and Conditions of the letting have been accepted by a Guest and not followed. With special attention to where and when instances of parties, hens and bucks events have been expressly banned by the host/letting agent/industry participant are found to occur as the host has contravened the accepted Terms and Conditions.

Complaints – The current proposal of registering a complaint is open to abuse by serial complainants as there is no recourse of consequence for a person who acts vexatiously or mischievous intent to frustrate the normal operations of a small business.

We propose that when two complaints within a two-year period are found not to be upheld by the commissioner then the complainant should be treated and recorded as vexatious and not to be relied upon.

Supporting Evidence – to avoid vexatious and unsubstantiated complaints it is our submission that each complaint:

a) Must be accompanied by supporting evidence including but not limited to:

- Was the defendant informed of the code violation,
- Was the defendant given opportunity to resolve the matter,
- Documentary evidence, photos, videos, Statutory Declaration, security company report, police and or council ranger report

In the instance where a community amenity is being negatively impacted on such as a party event is occurring (existing draft code unfairly and solely holds letting agent/property owner responsible)

b) The Burden of Proof needs to be on the complainant

Exclusion Register – The burden of being registered on the exclusion registry exempts Platforms from consequence and unfairly lays responsibility directly at the feet of those with lack of resources to argument their case. Currently there exists no provision for Platforms to be subject to complaint, review and added to the Exclusion Register, there needs to be.

There must be consequences for Platforms and we propose that if complaints are upheld and are to be found to have occurred via the use of a certain platform then that platform needs to be held account able.

We suggest that in the instance of ten (10) complaints are valid and upheld by the commissioner within a one year period than the Platform shall be equally listed on the registry and equally not permitted to participate within the STRA industry for five years.

Exclusion Register – Fees and cost recovery should be recovered by all participants including guests and should be self-funded by way of penalties and fines incurred by Industry participants. This avoids any revenue raised via penalties not being rolled up into general consolidated revenue by Government but go directly to the area of industry (Tourism) that needs support.

Additionally, the mechanisms for costs recovery by appropriation according to; number of premises, number of days, STRA revenue and upheld complaints does not apply a provision for Platforms.

Platforms generate hundreds of Millions of dollars each year within NSW STRA Industry and should a) pay proportionately and b) should face consequences and penalties proportionate to their revenue and market dominance.

Penalties - When guests are found to be in violation of Code and penalties are applied they need to be applied to all parties who were present during the occupation. The current proposed amount should apply to each Guest equally. Penalties need to be applied to all guests who stayed at the property during the instance of violation and not solely borne by the guest who made the booking.

This financial deterrent will assist in meeting the aims of the Regulation and Code namely reducing the negative community impact on neighbour amenity.

Register Data Collection and Management - How will data be recoded and stored? What type of data will be captured and used to identify participants?

Classes of Industry Participant –

Please include ChaMello Pty Ltd operating as Emerald + Aqua (ABN: 47602 114 643). Emerald + Aqua operates similarly to organisations listed in the code such as MadeComfy, Hey Tom and AirSorted.

Property & Complaint Register

It is our view that Platforms need to automatically check each guest before taking a booking against the register.

To avoid guest identity obfuscation a minimum:

- Full name
- Driver license details
- Full address
- Email address
- Mobile phone number and
- Date of Birth

is provided as mandatory.

The reason for all of these details is it is very easy to change an email address, insert a middle name or initial to avoid identity matching. Additionally, this will also removed the risk of incorrectly identifying the wrong Sarah Jane or Robert Smith.

STRA Regulatory and Code Commencement – The changes proposed are significant and costly, they represent complex adjustment just as the national economy is poised for a recession.

Typically the height of business activity for the STRA Industry commences from the October long weekend through mid-March we recommend that any commencement begin after that

period. The ideal period is after the Financial year has concluded so therefore beginning of September.

Both the Government and STRA industry need considerable time to design and implement education and awareness initiatives with several audiences:

- General Publish – Guests
- Letting Agents
- Hosts
- Property Owners
- Industry participants, and
- Platforms

Regarding the changes. Furthermore, those carrying the burden of the proposed changes, the Property Owners and Letting Agents need time to finance and organise the complex compliance.

Furthermore micro and small businesses, the backbone to the NSW economy that act as Letting Agents need to finance and support the training of staff, update websites, legal agreements, systems and processes need to be reviewed and updated to reflect the changes and new obligations of parties. This is not insignificant and for micro and small businesses represents a significant financial hardship.

Given these factors we believe a staged approach that provides time for necessary changes to occur and for the phasing in of different components being:

- 1) Stage 1 September 2021 Register Commences
- 2) Stage 2 September 2022 Code of Conduct Commences
- 3) Stage 3 September 2023 Review of Regulation and Code commences
- 4) Stage 4 May 2024 Review of Regulation and Code complete
- 5) Stage 5 July 2024 Review of Regulation and Code findings released
- 6) Stage 6 September 2024 Review of Regulation and Code findings adopted

This phased in approach also neatly address how to apply changes to future accommodation that is booked prior to commencement. Typically accommodation is booked up to 18 months in advance, there can not be two systems/two processes and or two different legal treatment applied to bookings based on Commencement date. A timely staged approach ensures that there is the right approach for all booring situations.

Scope and Administration of Review- how will the social and environment impact be measured? Will the economic benefits/impact be equally measured to quantitate disruption to the NSW economy and regional economies?

Who, where and how will the review take place? How will public comment be sought and how long will the review process take place? How will the success be measured?

As the NSW Government considers how people travel and use their homes today we respectfully submit that we don't need severe home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

It is the technology that the Platforms provides like 'Instant Book' that is abused by guest's to avoid vetting and qualification by letting agents and it is the Guests wilful anti-social behaviour that goes with limited scope of consequence. These two behaviours by the Platform and Guest is unfairly carried by the letting agent and property owner. We submit that it is these two participants (Platforms and Guests) where greater scrutiny and control should be applied.

Our communities rarely had these issues before Airbnb and Booking.com came to our shores.

Thank you for considering my submission.

Kind Regards,

From: Robin Robinson <robin.robinson011@hotmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 want to provide a unique experience for my guests. Guests are attracted to my space because it is private, quiet, has a large outdoor space and has all the facilities they need for a getaway on the Coffs Coast. For example there is full sized fridge and kitchen, washing machine, undercover clothes line, undercover outdoor area, large bathroom with bath and separate shower, free wifi, netflix and quality linen and bathroom products. I also provide breakfast. My space attracts repeated accommodation to professional medical specialist and teaching staff as they find my accommodation is the perfect place to come home to at the end of a busy working day.

My Airbnb apartment is purpose built and council approved and looks out onto garden and bushland. I spent a substantial amount of money building the addition to my home.

The small income I receive from Airbnb enables me to pay for some basic day to day expenses. If I didn't have this additional income I would have to depend of the government for a pension which would equate to the amount I am making through Airbnb. I am a self funded retiree.

In this current economic climate, it's difficult to get a good rate of interest on the savings that I have. The income I receive from Airbnb helps in this regard.

I believe that Airbnb is filling a gap in the market place. Guests love the customer service that is available through Airbnb. As well, they feel valued because the host offers personable service and is available if their Wifi goes down or a light bulb needs replacing.

Guests have a wonderful choice of properties at different prices on the mid north coast however I would like to point out that as a host it's also very competitive. Since I started hosting in 2017, I have had to reduce my nightly price substantially because of the competition. If other fees are introduced so many hosts will be forced to discontinue providing this amazing hospitality because they are currently doing so on reduced rates.

Airbnb has provided a platform to bring more people into the Coffs Harbour area which is a tourist destination and it would be devastating to see this disappear.

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.

Regards,

Robin Robinson
26 Newport Cres
Boambee East, Nsw 2452

From: robin wookey <r@wookee.net>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Dom submission, Air BNB run

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 live in a remote rural location which in essence is nature based tourism. There is nothing better to assist those that live in such areas and for farmers in times of difficulties, it is a godsend!

As I live in a remote location I depend on hosting as an economic lifeline to help us pay the mortgage and the bills. I do also recommend my favourite cafes, restaurants and shops so small businesses get a boost.

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 especially for nature based experiences. 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.

I imagine also 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.

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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.

Regards,
robin wookey
1 Skyline Rd
The Pocket, Nsw 2483

From: Robyn Barnes <robynshaun@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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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.

Regards,
Robyn Barnes
21 Bandalong St
Hillvue, Nsw 2340

From: Robyn Brett <robbotony@bigpond.com>
Sent: Wednesday, 11 September 2019 2:17 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.

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Thank you for reading my submission.

Regards,
Robyn Brett
741 Henry Lawson Dr
Eurunderee, Nsw 2850

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 2:30 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 14:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Robyn

Last name

Eisermann

Name withheld

No

Info

Email

reisermann@tweed.nsw.gov.au

Suburb/Town & Postcode

Murwillumbah 2484

Submission

Please find attached a draft copy of the Tweed Shire Council submission. A report on the submission is being considered by Council at their meeting of 19 September 2019. As previously arranged, attached is

a draft of the the TSC submission and an endorsed Council version will be sent (by email if this site is closed) following the meeting.

Regards Robyn Eisermann

I agree to the above statement

Yes

From: Robyn flowers <flowers.robby@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Robyn flowers
1 Little St
Mosman, Nsw 2088

From: Robyn Gurnett <robynperillo@hotmail.com>
Sent: Wednesday, 11 September 2019 2:21 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...

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.

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Thank you for reading my submission.

Regards,
Robyn Gurnett
Addison Rd
Manly, Nsw 2095

From: Robyn Kelly <robynakelly@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 the Wingecarribee Shire, NSW, suffers from a shortage of tourist and wedding accommodation. Entering this niche market allows me to contribute to the Shire's economy and to rent my property to achieve retirement 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.

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Thank you for reading my submission.

Regards,
Robyn Kelly
145 Oxley Dr
Mittagong, Nsw 2575

From: Robyn Lynch <robynlynch27@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Robyn Lynch
22 Park St
Brunswick Heads, Nsw 2483

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 8:38 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

Categories: Purple category

Submitted on Thu, 29/08/2019 - 08:37

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robyn

Last name

McGowan

Name withheld

No

Info

Email

mcgowanrobyn@bigpond.com

Suburb/Town & Postcode

Crows Nest

Submission

Re: Short-term Rental Accommodation (STRA) regulatory framework.

My submission concerns Strata Schemes being able to adopt by-laws totally prohibiting STRA and the adverse effects on existing residents with the proposed STRA regulatory framework.

I have lived at Grandview Apartments, (Strata Plan 61694) since January 2000. The original Grandview Owners Corporation unanimously approved by-laws prohibiting short term rentals with a requirement that any lease or tenancy agreement must be for a minimum period of 90 days. I stress the by-laws were unanimously approved by the lot owners and any new lot owner has purchased their property based on these by-laws.

The majority of lot owners in Grandview are retired and have purchased their apartments due to the quiet and peaceful environment and based on the extensive bylaws protecting lot owners' rights. These by-laws cover issues such as parking, fire and emergency plans, smoke alarms, use of common areas, storage, building works, use of the pool and gym, smoking, use of lifts, security, noise, sorting rubbish, deliveries, mail, laundry items on balconies, permitted use, children in common areas, lease of lots in the strata scheme, to name a view. Grandview's by-laws alone, cover some 50 pages. Experiences of apartment buildings that currently have short term rentals are that the short-term tenants do not bother to read by-laws or comply with them. I am happy to provide evidence of this.

The majority of apartment buildings do not have 24 hour concierge services and owners or their agents operating Short Term Rentals leave keys and swipe cards in combination boxes strapped to railings outside buildings. These boxes are not totally secure and can be opened with the smash of a hammer which creates a major security risk to residents and common areas due to unlawful entry to the building. It also creates an ongoing security risk and costly requirement to replace all common property access swipe cards.

How can an owner's corporation ensure compliance and policing of strata plan by-laws, by short term rental tenants? Any by-law change requires a minimum 75% of lot owners votes and surely this should be a matter for individual Owners Corporations. Strata Schemes should be able to adopt a by-law that totally prohibits STRA whether or not, "a lot is not a host's principal place of residence".

If an Owners Corporation votes unanimously to approve STRA in their apartment building, that is their right and this obligation should not be autocratically imposed on all Owners Corporations in NSW. I suppose the next step of the NSW government, will be to legislate that all Owners Corporations use the same electricity, gas or insurance supplier.

Why are the NSW Department of Planning, Industry and Environment and Department of Customer Service dictating by-laws concerning STRA when there is already an extensive Strata Schemes Management Act 2015 covering the management and control of Strata Schemes? Surely this should be the right of individual Owners Corporations to decide if they want to prohibit STRA in their buildings? This is not an issue for State or Local governments.

Councils reiterated the importance of an enforceable planning framework aligned with the Code of Conduct. How will breaches of the code be policed? Councils currently cannot provide sufficient enforcement officers to police noise legislation. The office of Fair Trading does not currently have sufficient staff to police this.

Who is going to come out during the middle of the night to police noisy short-term tenants keeping residents awake? Who is going to police short-term tenants dumping rubbish in the car park? Who is going to police short-term tenants sorting their rubbish? Who is going to get the short-term tenants out of the pool outside of the pool & gym operating hours? Who is going to stop the short-term tenants smoking or taking drugs in the common areas? Who is going to ensure the short-term tenants comply with the Fire and Emergency evacuation plans? Who is going to stop the short-term tenants hanging their laundry on the balcony? The only answer to all these questions, is no one.

Lot Owners of Strata Plans should be able to enjoy the quiet and peaceful environment of their existing strata environments without being subjected to STRA.

I agree to the above statement

Yes

From: Robyn McKean <robyn.mckean@icloud.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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Specifically, I want to comment on the following:

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Thank you for reading my submission. Hope you decide not to mess this up.

Regards,
Robyn McKean
62 Fern St
Gerringong, Nsw 2534

From: Robyn schatz <randgschatz@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 with experience it is a better option than real estate agents and I do not want to rent the house permanently. I have total control as to the amount of time I want to rent the property.

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.

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Thank you for reading my submission.

Regards,
Robyn schatz
68 Elanora Ave
Pottsville, Nsw 2489

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 3:00 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

Categories: rob submission 2.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 15:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robyn

Last name

Winter-Blick

Name withheld

No

Info

Email

robbiewinterblick@gmail.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

To whom it may concern

I live in Byron Bay and in the last 10 years, I have watched neighbourhoods become fragmented by more

and more Airbnb and other private holiday rentals. The street in which I live has now - between numbers 1 – 20, approximately half those properties given over to holiday lets. 1 owner now has at least eight homes within the town with 2 more infill blocks in the process of being built for holiday let. We have had to put up with drunken behaviour, increased traffic, loud music, overflowing rubbish and even bucks parties with a stripper. One place opposite can generate \$10,000 per week in a peak period in summer.

The latest data from Inside Air BnB shows that Air BnB properties In Byron shire have jumped from 1,172 in 2016 to 3,306 in August this year. Of those, 1,331 listings for an entire home/apt are listed by 359 landlords only - evidence of multiple landlords with multiple properties.

Byron Bay has to cater for 2 million tourists annually and these holiday let houses pay no commercial rates as do the traditional motels, hotels and other registered resorts who have to pay commercial rates as they are businesses.

This new gig economy is entirely unfair for businesses that have been operating in the traditional way and providing for tourists. These owners make enormous profits by having their houses available all year round while residents are unfairly disadvantaged by the constant coming and going of holiday makers in residential zones.

Byron Bay is drowning in tourism and the sense of community is more and more fragmented by the large influx of holidaymakers and tourists from regional areas and overseas visitors.

We want to keep a sense of community and a sense of Neighbourhood within our streets as this gives a sense of belonging. These holiday makers have no investment in our town other than pleasure and taking what they can, while we have to put up with no ability to raise funds for infrastructure and the damage that they do in the process of seeking pleasure and enjoyment. They're not interested in contributing to the community which prides itself on the many innovative alternative sustainable ways in which we can protect the planet.

For this reason it is imperative in Byron Bay, due to its unique situation and location, that there is a 90-day cap on any holiday house that is not owner occupied, so that people who want to have long term rentals and a place to live take precedence over short term financial gain, and often greed, by many of these absent landlords. There is also a large number of vacant homes in Byron Bay that are investment properties, owned by people that do not live here, and further restrict long term rental homes. There are many families who have had to leave this area because of the inflated rental prices due to Byron Bay being a much sought destination on the world map.

Please give our small town a chance for a cohesive community that is not fragmented and fractured by profit and greed of the many who choose to game the system. There must be legislation and a 90-day limit, and for all these owners to be registered and pay commercial rates, just as the other traditional holiday places do.

Yours sincerely

Robyn Winter Blick

I agree to the above statement

Yes

From: ROCHELLE Borton <roch@eduinfluencers.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 after the breakdown of my marriage in 2016 I needed to supplement my income to pay for the mortgage. I saw moving our children from their family home as not an option.

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.

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Thank you for reading my submission.

Regards,
ROCHELLE Borton
48 Campaspe Circuit
Albion Park, Nsw 2527

From: Rochelle Burbury <rochelleburbury@gmail.com>
Sent: Wednesday, 21 August 2019 1:12 PM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category, sent

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 support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Best regards

Rochelle Yates (nee Burbury)

From: Rod Cummings <iancrutie@hotmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Rod Cummings
13 Waine St
Surry Hills, Nsw 2010

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 4:53 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

Submitted on Thu, 22/08/2019 - 16:52

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

RODERIC

Last name

KEFFORD

Name withheld

No

Info

Email

rodkeffrod65@gmail.com

Suburb/Town & Postcode

KIRRIBILLI 2061

Submission

1 Waruda Street (Strata Plan 15930)

KIRRIBILLI NSW 2061

The Director
Housing Policy
NSW Department of Planning, Industry and Environment
GPO Box 39,
SYDNEY NSW 2001

20 August 2019

A SUBMISSION IN RESPONSE TO THE DISCUSSION PAPER ON
SHORT TERM RENTAL ACCOMMODATION

This Submission is made on behalf of the Owners of SP 15930, at 1 Waruda Street Kirribilli NSW.

We thank you for this opportunity to respond to the NSW Government's latest iteration of its thinking in regard to promoting STRA across the state.

We wish to make the strongest possible representation in requesting that, in and through all of its deliberations in regard to STRA in the coming months, the NSW Government not deny Strata Committees of Owners' Corporations the right to determine whether or not they wish to permit short-term letting of accommodation in their buildings.

In support of our request, we submit the following:

Background

Strata 15930, at No 1 Waruda Street Kirribilli, is a residential apartment building of 36 households located on the harbour's northern foreshore, with uninterrupted iconic views of the city skyline, the Opera House and the Harbour Bridge.

We know that our building is a location likely to be highly sought-after by exactly the kinds of STRA occupants whose demonstrated scant regard for the amenity and comfort of long-term residents, and whose sheer lack of respect for the fabric of a property, its facilities and common spaces, is becoming more and more widely documented as it is more and more widely experienced, especially in buildings in prime locations like ours.

At the outset, our Strata Committee was ambivalent about the parliamentary committee's Report on the Adequacy of Regulation of Short Term Holiday Lets in NSW (STHL), and the Government's initial proposed relaxation of the then-existing three-month letting restriction, so long as it did not impact on the capacity of our Strata's Owners making their own decision in response to it. The negative reaction to this aspect of the Report from other Strata Plans with which we are in contact in our area only strengthened our resolve in supporting this point of view.

That Report accepted that Strata Schemes were a special case, but if we are not to be able to retain the right to determine for ourselves whether we are willing to support changes to the minimum three-month short-term let for apartments in our building, then our being a special case means nothing. It is our considered and firmly held view that as owners of apartments in a strata scheme, we must

retain the authority to continue to determine who takes up temporary residence in our building for however short a term, and under what conditions they do so.

The current Discussion Paper is silent on the specific needs and characteristics of Strata Schemes as regards STRA, and we are concerned that the Government remain acutely conscious and fully aware of the different and specific needs of Strata Scheme residents as it plans for the future.

We are somewhat alarmed that the so-called STRA industry appears to have had a very significant influence on the Government's thinking to date – the list of members of the STRA Advisory Committee in the Appendix to the Discussion Paper appears to contain at least nine industry spokespersons, as against just two who might reasonably be expected to advocate for Strata Scheme owners. For that reason alone, we welcome this opportunity to ensure that the voices of some thirty-six owners may be heard, to balance the undoubtedly strong thrust from the industry for greater deregulation of STRA in the future.

We do note with approval, however, the proposal that Owners in a Strata Scheme can adopt a Bylaw with the support of 75% of the owners prohibiting STRA where the apartment is a Host's Principal Place of Residence.

DEFINING STRA

We are troubled, however, by the Discussion Paper's definition (p5) of STRA in terms of exempt developments. Defining regulated environments by reference to what is exempt to us seems unhelpful and is difficult to understand. We contend that greater clarity and less ambiguity would be provided by definitions of STRA in terms of what was permitted, rather than what was exempted.

We also have difficulty understanding why the presence of a Host should provide the basis of determining the duration of an STRA let. This proposed provision appears to permit a Host in an apartment to let his second bedroom to a paying guest without reference to the Strata Committee or to any extant appropriately approved Bylaw, with a consequent risk that that paying guest may adversely affect the amenity of other residents without demur.

STRA IN STRATA BUILDINGS IS DIFFERENT

Indeed, within these definitions of STRA, we would strongly urge that the Government clearly demonstrate its recognition that STRA in Strata Schemes is different from STRA in stand-alone houses, not least because the potential adverse impact of STRA temporary residents on other residents in a Strata Scheme is inescapably and inevitably far greater than in a stand-alone house, because of sheer proximity. A rowdy or poorly behaved STRA individual or group of individuals obviously affects the amenity of neighbouring residences far more in an apartment building than in a neighbouring house.

In response to the Table (p7) listing the changes to previous proposals, we strongly believe unhosted STRA in an apartment building should remain subject to the Strata Committee's Bylaws regardless of the length of the stay. There is no evidence that longer stays impact less on the amenity of other residents. Strata Schemes need to be treated differently from stand-alone houses, and Strata Committees need to have the right to determine who takes up STRA in their building for whatever period, and under what conditions they come.

On the same Table, giving an LGA the freedom to vary the length of a STRA stay does little to enhance the Government's stated goal of standardising the industry. In any event, stays of 365 days or even 180 days are hardly short-term – indeed, many properly drawn-up and regulated residential leases are of

exactly those lengths. We reiterate that the definition of a STRA stay should be defined by what it is, not by what it is not. The strength of the STHL Report in 2016 was that it defined the maximum short-term let as three months. Letting local Councils decide this seems to us to be fraught.

SAFETY STANDARDS

We welcome the Discussion Paper's proposed tightening of Safety Standards (p8). Virtually all of the apartments in our 110-year-old building would be unable to be registered for STRA because they do not have smoke alarms fitted in their bedrooms, nor sensor lighting in their hallways.

CODE OF CONDUCT - OBLIGATIONS OF HOSTS

Considering the Obligations of Hosts in the proposed Code of Conduct (p10), we would urge the inclusion of a further obligation – that they recognise and accept their obligation to report the income they earn from their STRA activity to the ATO.

COMPLAINTS

The issue with Complaints (p11) in our experience is that by the time Complaints are made, the STRA guest has long-since left the building before the issues can be dealt with by any authority, and recourse is thus impossible. In a stand-alone house, the Host would be immediately aware of damage or loss, wilful or otherwise. In an apartment building, damage to common property may not necessarily come to light immediately, and when it does, nothing can be done to seek recompense.

Strata Schemes are required to have a 10-year plan with allocations of funds to ensure that Capital Works can proceed as required. Common property in a Strata building requires constant maintenance, often at considerable cost, especially in older buildings.

No Strata Committee has the resources to monitor the activities of errant STRA 'visitors' to ensure that they do not cause property damage. They simply have to deal with the aftermath, as has been the case in several recently-publicised incidents occurring in Strata buildings. Residents in Strata buildings do not want common areas to be trashed by short-term renters who could not care less about damage they may cause, and nor do they want amenities provided at owners' expense to make those common areas pleasant and comfortable to access and utilise, trashed or damaged beyond repair.

A further resultant cost to Strata Committees is the provision of adequate insurance to cover possible damage to common property or to the building fabric or its amenities, caused by STRA tenants. Insurance costs are rising anyway, and insurance companies will not be sympathetic to Strata Committees in buildings which may be caused to make numerous claims, because they are in places such as ours that are likely to be highly popular with STRA tenants.

How does the Government regard the status of STRA visitors anyway? They are clearly not residents; they are not owners; they will not be present long enough to be occupiers. What rights do they have? This lack of clarity must have implications for insurance and all remedies sought under the law as well.

No matter what the Government might think about Strata Committees having recourse to their insurers when incidents occur, experience shows that it is difficult to have confidence that insurers would necessarily honour these kinds of claims, despite their increasing premiums.

In any event, the entity of first resort in any damage or an insurance issue will be the Strata's Owners.

The Strata Committee will then have to pursue someone – most likely an untraceable someone who cannot easily be identified and who will be able to test the burden of proof. Strata Committees have neither the time nor the inclination to chase up long-gone guests who may or may not have been responsible for damage. To expect us to is unreasonable, causing unlooked-for stress and detriment to the peaceful enjoyment of our homes.

Providing unrestricted access to a Strata building for STRA tenants also introduces the risk of reducing property values, as increased wear-and-tear and the known presence of STRA guests, renowned for disturbing the peace and impacting adversely on the amenity, makes purchasing in the building less desirable. People buying into an apartment building do not want to share it with short-term tenants. Tenants sub-letting their apartments or a room in their apartment – and it is mostly tenants who do - have no vested interest in the long-term presentation and preservation of the building – it is the long-term owners who bear the brunt and carry the risk of their home losing value through no fault of their own.

In short, we do not regard the provisions under the Complaints heading as being adequate, because they do not recognise that a misbehaving STRA tenant who causes damage to common property in a Strata Scheme is extremely difficult to detect and prosecute. Strata Schemes are different and need different provisions from STRA in stand-alone houses.

COMPLIANCE

For these and many other reasons, we strongly support the Compliance provisions set out in the Discussion Paper (p11), especially the opportunity to have industry participants excluded who flout the Code of Conduct.

We do wonder why the Commissioner would be bothered issuing a warning to anyone, however. A condition of appearing on the Register of Participants should be that they indicate they understand that if a complaint is received against them that is not regarded by the Commissioner as being minor, the penalty is that they are excluded from the Register automatically.

PENALTIES FOR BREACHES

In truth, the penalty for non-compliance is very host-centric. There is nothing in it for neighbours! While a neighbour might make a complaint, as we have said, neighbours in Strata Schemes have very limited capacity to obtain any recourse even if they do make a complaint. For this reason, in our opinion, allowing two strikes in any two-year period is ridiculously soft!

In areas where the turn-over of guests and visitors is high, such as coastal holiday centres, in harbourside settings, in highly popular tourist areas, neighbours get sick of STRA visitors very quickly as their inconsiderate noise, their scant regard for others' property and their boisterous, boorish behaviour erode the amenity and their enjoyment of their homes.

IMPACTS OF BREACHES ON SECURITY AND AMENITY

Issues with STRA tenants most typically occur outside normal working hours. The Discussion Paper is silent on whom it considers should deal with these issues in a Strata Scheme. In our building's experience, most STRA stays occur when tenants sub-let to 'visitors', often to the surprise and dismay of their landlord-owners, somewhat exacerbating the difficulties of controlling such activities and of

appropriately responding to incidents when they occur.

Who is the first responder in an apartment building when an incident – usually a real and present incident - occurs? It is utterly unreasonable to expect that it would be the Strata Committee who would deal with these issues. As a member of our Committee, I would not, basically out of fear for my own safety. The Police do not, or not instantly. It is our experience that Police resources in our area are severely stretched, and priority is given to other incidents ahead of attending to noise and party-related issues at short notice.

Yet security and personal safety are core reasons that many people – especially more elderly people and retirees - elect to live in Strata buildings. Ours is a security building, but it is manifestly not like a hotel. We do not have CCTV covering every space in the building, for instance. We do not have 24/7 security guards. We simply do not have the resources or the ability to maintain the sort of standards of security we would all expect of a hotel.

Moreover, our residential authority, the Strata Committee, is a group of unpaid volunteers. We do not have the authority to, and simply are not capable of, enforcing By-laws in the middle of the night. To do so may expose individual members of the Strata Committee to personal attack or extreme disapprobation.

Then too, an electronic lock on the external doors of the building and CCTV at the entrance do not, in and of themselves, make the building secure anyway. Some residents in our building are elderly, having lived here for many years. Others are retirees seeking the serenity and tranquillity of apartment living by the harbour. Most are young professional couples intent on making their way in the world, most of whom are away from home from time to time travelling on business. All desire to live in a secure building where they know and trust their neighbours. This is the core of security in a building such as ours.

STRA tenancies are incompatible with these lifestyles and abrogate the desire to live in a building where feeling secure means everyone knows everyone else who lives there. Often STRA tenants arrive unannounced and unintroduced. Being told the name of a new 'two-day' tenant, five minutes before they arrive, does not allow for any semblance of security. Nor does the stream of their 'friends' who arrive to take advantage of their occupancy of a prime-site apartment. Having one's peace of mind disturbed by strangers who are able to bypass the rigid security arrangements residents desire is just not appropriate nor acceptable and removes our protection under the law of trespass.

Defending the amenity of our homes is a further major concern stemming from STRA proposals for residents in Strata Schemes.

In 2016, the parliamentary committee looking into STHLs sought input from Strata Committees. Many Strata Schemes advised that they had significant concerns regarding the potential impact of STHLs on their communities. The parliamentary committee said that there were 'real and serious' issues that had been brought to their attention, but on balance said they were not willing to do anything about those concerns. They suggested that concerned Strata Managers could take their concerns to NCAT.

But Strata Schemes can only bring an action at NCAT on a legal issue. Under the parliamentary committee's original proposal, and in the proposal set out in the current Discussion Paper, there would have been and will be no legal issue to take to NCAT, because the statutory requirements regarding

three-month STHLs will no longer be in place.

The real result will be to require Strata Committee members to mediate between residents and non-resident owners, with the potential to create very difficult and often fraught social dynamics within a building. In a large Strata, this is bad enough; in a small community such as ours, maintaining good neighbourly relations is paramount if the community is to remain pleasant and comfortable to live in.

So, in order to strengthen our position in maintaining the amenity and security of our building in the event of our having complaints against a STRA host or STRA tenant residing in it, we would favour a 'two-strikes in not more than six months' policy for complaints received about a particular host.

EXCLUSION

For similar reasons, we strongly endorse the suggestion that once excluded from the Register, a host be banned for five years, and support the envisaged penalties set out (pp 12-13).

We regard to the penalty of \$550 for a breach of the code of conduct (p 14; Qn 19) as being manifestly inappropriate given the potential disruption caused to our amenity and home life as Strata Scheme residents by a non-compliant, rogue STRA host or tenant. We would favour an amount at least double if not triple that amount.

Our support for these provisions indicates our preference for a rigorous regulatory environment for STRAs, whether for stand-alone houses or for apartments in Strata buildings. In that context, we cannot understand why anyone involved in STRA to any extent might not be governed by the provisions of the Code of Conduct (p13). This sort of clause seems to us to encourage rorting the system. The STRA industry providers (Airbnb hosts etc) have not altogether excelled in self-regulation thus far! We do not believe that anyone involved in the STRA industry should be excluded from the Code of Conduct.

FEES AND COST RECOVERY

In regard to Fees and Cost Recovery (p14) we believe that all participants in the STRA industry should be required to contribute to the costs. Other businesses meet their own costs of operating and fund the regulatory authorities under which they operate through their taxes and other levies. The most equitable way to fund the industry regulator would be one based on each STRA provider's properly recorded and audited STRA revenue as reported to the ATO in their income tax returns.

THE REGISTER

We strongly welcome and endorse the basic principle of having a STRA Property Register but find the notion of its being compiled by the industry a little naïve. It is reminiscent of leaving a ten-year-old boy in charge of a lolly-shop in our view.

The STRA industry to date has shown neither the capacity nor the interest in regulating itself. Indeed, the complete down-side of the gig economy is that, sadly, people are basically not honest. We believe the industry register requires a statutory authority to be convened under the aegis of the Commissioner for Fair Trading.

Given the wide-spread existing mistrust of the STRA industry generally, transparency is vital in the processes and procedures the Government sets up for its governance and supervision in the future, especially when exclusion from operating one's STRA business and financial penalties are envisaged. An industry-led authority will never be perceived as being transparent.

We favour a small authority, headed by the Commissioner for Fair Trading and comprising at least one member appointed by the Minister from the industry, and at least one representing Strata Scheme owners, to preside over the management and supervision of the Register. The industry would fund the authority, develop it and administer it under the direction of the Commissioner, to whom it would be accountable and who would approve its basis of operation.

To ensure all operating STRAs were reporting their data correctly (p 16), the Commissioner for Fair Trading should be given the power to inspect and audit STRA premises.

If a person or persons were detected as operating STRA without having registered (p 16), the penalty should be that they are disqualified from ever operating such a venture again.

It is our strongly held view that the Register of STRA should be a public document (p17) and that all information contained within it should also be accessible to the public.

We also strongly believe that the STRA industry should be required to report all STRA stays to the Government, not least to enable the ATO to ascertain that it has received all of its share of the rental income earned by registered STRA hosts.

CONCLUSION

We are grateful that the Government has provided an opportunity for NSW citizens to put forward their views on this complex and difficult issue.

We would reiterate the key point of our submission – which is that Strata Scheme apartment buildings are different from stand-alone houses, and thus require different provisions.

In 2016, the parliamentary committee looking into STHLs took the perspective of allowing individual owners in a Strata building the freedom to do whatever they wish with their property. This is not the case, however, with other property owners anywhere else in NSW. It also showed a complete misunderstanding of the legal and social community compact that is Strata living. Most importantly, it ignored the rights and freedoms of other residents of the Strata Plan.

We believe as owners that we should have the right to determine whom we will admit to our building and on what basis they are to be admitted.

A person's freedom extends to his or her doing whatever they want unless or until it interferes with another person's freedom. In that light, the parliamentary committee in 2016 presented a very narrow and one-sided Report.

In 2019, if the Government chooses to deny individual owners in Strata Schemes the right to prohibit STRA in its Strata, it will fail in its duty and responsibility to all the people in NSW who choose to live in Strata-titled properties.

Supporting Principles of Democracy

NSW law requires residents of residential apartment buildings to form Strata Plans and Owners Corporations and to elect Strata Committees with considerable powers and responsibilities.

Each Strata Plan in NSW is a specific community with specific issues, individual needs and idiosyncratic inter-relationships, and the elected Strata Committee in every building takes responsibility for managing

the building in light of these. The rules covering Strata Plans require a highly transparent degree of direct democracy.

The effective management of a Strata Plan by members of a Strata Committee requires steadily increasing amounts of personal time and effort, and significantly expanding business and management expertise. The Strata Committees of Strata Schemes all over NSW have been making a very satisfactory performance of this job for many years, and do not need or appreciate what appear to be over-riding decisions already made by those Committees for those communities.

The owners in SP 15930 most earnestly request, therefore, that you continue allow Strata Plans, which are fundamental exemplars of democracy in NSW, to make their own decisions.

If most of a Strata Plan's owners want STRA, then they can vote for it within their own community and under their own community's By-laws.

The evidence to date, however, is that many buildings do not want STRA, and our building is one among many that have a By-law prohibiting STRA.

There is no support for STRA in our building's community, and we respectfully request that you permit our community to make that decision for ourselves.

I therefore strongly urge that, in any amendment to legislation that might ensue from this Discussion Paper, you delete any references to, or restrictions upon, the right of Strata Plans to make their own decision regarding STRA in their building.

RODERIC KEFFORD AM PhD FACE
Chair of the Strata Committee
Strata Plan 15930
1 Waruda Street
Kirribilli 2061

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 7:10 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 07:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Roderick

Last name

Anderson

Name withheld

No

Info

Email

rodander@optusnet.com.au

Suburb/Town & Postcode

Potts Point 2011

Submission

Further to my recent submission below, I wish to add the following comments: We are one of the significant minority of Airbnb who offer STR accommodation for more than 180 days each year. Our small (2 person) studio is heavily booked all year round and gets very positive reviews - has therefore been awarded special status by Airbnb. There have been no complaints at all about our guests in the five years we have been operating. Perhaps studios like ours should be able to get a permit to allow them to keep operating, as most of our stays are one week or less. Restricting us to 6 months of short stays would mean that we have to close, as the costs of running a good quality apartment in a much sought after location are high.

Consideration should be given to further reducing the 21 day limit for small apartments like ours, which are too small to be used for parties. It should be reduced to seven days so that we can continue to service the many business travellers and conference attendees who use our studio.

Subject: Re: Further consultation on policy for short-term rental accommodation

My wife Rochi and I purchased a small apartment in a little old building in Ward Ave, Potts Point about 5 years ago. Rochi comes from Sydney and so the apartment has been used for visits by us and other family members, about 4 times each year. Because of the quite high costs of maintaining an apartment there, it has also been let as a holiday rental - quite successfully as it turns out, and it is booked most of the time.

All of the 40 apartments in the building are small, most being less than 29 square metres, so it's not really possible to have wild parties! Our studio apartment accommodates a limit of 2 people. Several other apartments in the building are also let as short stay rentals, and there have never in our 5 years there been any reports of bad behaviour, or complaints from resident owners.

These little apartments with their tiny kitchens and bathrooms provide a much sought after inexpensive alternative to hotel accommodation, and so have been heavily used by tourists from Australia and overseas.

It is unfortunate that the proposed 180 day limit will almost certainly kill off these successful little businesses, unless there is a workable exemption mechanism. It is my impression that there are many similar businesses operating in our area, and that like us these are the only apartment that such owners have in Sydney.

I agree to the above statement

Yes

From: Windows Live <rbungate@hotmail.com>
Sent: Thursday, 5 September 2019 9:56 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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. Furthermore we rely on this as an income so as not to burden the government with aged pension.

Regards
Rodney Bungate
0498104645

From: Roger Chen <roger.c@hostrelax.com.au>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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...

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.

Regards,
Roger Chen
71-73 Archer St
Chatswood, Nsw 2067

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 2:46 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 14:46

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Roger

Last name

Uren

Name withheld

No

Info

Email

ruren2@bigpond.com

Suburb/Town & Postcode

New Brighton, 2483

Submission

We have a beach house at 26 River St, New Brighton. Since 2001 we have accepted holiday rentals through agents in New Brighton and now Brunswick Heads.

New Brighton has been a favourite family short holiday destination for about 100 years. Most of the guests are families from northern NSW or southern Queensland. Since we started letting our beach house 18 years ago the family groups that have stayed have become regular guests and come for a week or two every year. The demographic involved consists of quiet family groups enjoying the natural beauty of the area without rowdy functions or parties.

I understand the problems of noise and drunkenness that have concerned residents at Byron Bay. The demographic involved there is predominately a young often international group who come specifically to have a rousing good time.

Any restriction applied to address the problems that have arisen at Byron Bay would be unnecessary in New Brighton where these problems do not occur. Any complaint from a neighbour regarding noise is addressed immediately by the agent and an uncooperative guest is asked to leave and is not accepted for future rentals at our beach house.

This is not a one size fits all type of problem and any solution must consider the different types of holiday maker staying in the different areas of the shire. Whatever restrictions are placed on guest numbers will also inevitably effect local businesses that rely on tourists for their survival.

I agree to the above statement

Yes

From: Rohan h <rhemadee@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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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.

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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.

Regards,
Rohan h
81 Courallie Ave
Homebush West, Nsw 2140

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 9:10 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 09:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Ronald

Last name

Smith

Name withheld

No

Info

Email

ronsmith54@me.com

Suburb/Town & Postcode

2000

Submission

I have an investment apartment in the Haymarket where I previously resided for 15 years and now live in an apartment in Waterloo so in total 20 years of occupancy. In both buildings its obvious when these people arrive.....rubbish, noise, anti social behaviour, damage to common property. Who pays? We the owners. Adopt Paris and Venice model.

I agree to the above statement

Yes

From: ronald Wilkinson <ronwilkinsonmv@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 as my wife & I are aged pensioners. The little I get from renting a room through Airbnb enables us to keep up with the increasing costs of staying in our own home.

As you would know the council rates, electricity, gas and water charges are rising quickly and without Airbnb we would be forced to move into aged care.

yours sincerely,
Ronald Wilkinson

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.

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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.

Regards,
ronald Wilkinson
16 Pennant Hills Rd
Wahroonga, Nsw 2076

From: Des Monaghan <korepun5@gmail.com>
Sent: Tuesday, 17 September 2019 1:11 PM
To: DPE PS STHL Mailbox
Subject: Fwd: Airbnb- a choice not an imposition

Categories: Tessa Submissions

>>>> To whom it may concern.

>>>

>>>> Strata owners must have the right to determine if their building was to allow Airbanb lettings-a vote of the 4/5ths of the owners association in favour would be required to allow the apartment block to permit Airbnb or similar lettings.

>>>> We have nothing against short term rentals in principle but recognise from direct experience that when permitted,they fundamentally change the character and amenity of an apartment complex.

>>>> An hotel environment is markedly different to that of an apartment block that is open only to owner occupiers and long term residents.

>>>> Even the most exemplary short term renters inevitably lead to greatly increased traffic in lifts ,public facilities (pool,gym etc) subsequent accelerated wear and tear and a need to increase staffing levels with the inevitable rise in strata fees.

>>>> In short only an overwhelming majority of owners should have the power to allow ,what would be profound change to their "home" environment,short term rentals such as Airbnb.

>>>> Yours faithfully.

>>>> Ros and Des Monaghan

>>>> 2505.

>>>> Highgate,

>>>> 127, Kent St

>>>> Millers Point.

>>>> NSW,2000

>>>>

>>>>

>>>>

>>>> Sent from my iPad

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 4:09 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

Categories: Dom submission, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 16:08

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Rosaleen

Last name

Staunton

Name withheld

No

Info

Email

info@beachesbyronbay.com.au

Suburb/Town & Postcode

2481

Submission

AIRBNB holiday letting is significantly impacting my business. This must be stopped. These lettings are ruining small business that work within the holiday zoned areas. No residential.

They are also impacting the privacy and serenity of residential areas. I have AIRBNB holiday let homes in my street and they are continuously having parties, the landlords don't live in Byron they don't care, there is a short supply of rental homes for locals who work in Byron Bay.

This is getting out of control and the long term effect will be detrimental to the people who live and work in Byron and the landlords live out of town and don't care.

I agree to the above statement

Yes

From: Rose Smith <kwebber1@tpg.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

Dear Mr Griffin

I am an Airbnb host I wanted to provide my feedback on the Government's proposed changes to the regulations. I live in Seaforth and have a holiday rental property in Berry as an investment and source of income for retirement.

I host on Airbnb because I choose to do short term rental rather than long term. I love the experience of providing a lovely holiday experience for my guests. Berry is a very popular area for weekend escapes and school holidays, and hosts thousands of visitors every weekend.

There is limited alternative holiday accommodation in the Berry area other than the many holiday cottages in the area. There are over 200 holiday cottages, which are booked every weekend throughout the year. The alternative to accommodate this number of people would be large hotel complexes which would spoil the character of the area.

People stay in my house because they want to have more space and have a kitchen, because they have children or pets, they are a group and want to be together, or simply because they don't want to stay in a hotel.

The visitors to Berry give economic security for local cafes, restaurants, shops and other businesses I use to provide for my guests. I employ a local cleaner and the laundromat. As a result Berry is a thriving town compared to many country towns.

I am 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 oppose the requirement for costly permits which may cost hundreds or thousands of dollars for a permit to share our home. This will end up making holidays across NSW more expensive. It will also cost the government money - as a business expense it is tax deductible.

I do not want to alter my home to host. I have renovated recently and it complies with council regulations which should provide safety if either I am living there or my guests.

Thank you for reading my submission.

Regards,
Rose Smith
78 Harley Hill Rd
Berry, Nsw 2535

From: Rosemarie Rohr <prrohr@remanagement.com.au>
Sent: Wednesday, 11 September 2019 2:19 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 supports the running costs of our farm, it is an extra income that helps pay our mortgage especially in this time of drought.

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.

Regards,
Rosemarie Rohr
237 Windermere Rd
Windermere, Nsw 2321

From: Rosemary Gardiner <roanne10@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 to earn a small income so that we do not have to apply for a pension. I provide a clean room and a comfortable bed for travellers heading north and south to various destinations. Our Air BnB room does not impact neighbours and we keep the price down to accommodate those who do not want to spend a fortune on a room. We do not make a massive income from this but it means we do not have to dip into hard earned savings!

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.

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Thank you for reading my submission.

Regards,
Rosemary Gardiner
54 Charlotte St
Bangalow, NSW 2479

From: Rosemary Goldman <austinersurlamer@bigpond.com>
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...

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.

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Thank you for reading my submission.

Regards,
Rosemary Goldman
8 Moore St
Austinmer, Nsw 2515

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 6:33 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

Categories: Purple category

Submitted on Thu, 15/08/2019 - 06:32

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rosemary

Last name

Howe

Name withheld

No

Info

Email

howe.rosemary@gmail.com

Suburb/Town & Postcode

Bannister NSW 2580

Submission

People must be allowed the freedom of choice to use their homes for short-term rental. This includes houses and apartments. To take this freedom away is a deprivation of the rights of the home owner.

Additional income into households assist with the ever increasing bills that individuals and families face on a weekly basis. This extra income can mean the difference in being able to meet or not meet financial debt such as mortgage and vehicle repayments, school expenses for children, food bills, etc

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: Wednesday, 11 September 2019 9:41 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 09:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rosemary

Last name

Macdonald

Name withheld

No

Info

Email

rosemary.macdonald@gmail.com

Suburb/Town & Postcode

Suffolk Park

Submission

The latest data from Murray Cox at Inside Air BnB shows that Air BnB properties In Byron shire have jumped from 1,172 in 2016 to 3,306 in August this year.

Of those, 1,331 listings for an entire home/apt are listed by 359 landlords only - evidence of multiple landlords with multiple properties. How can people possibly find a place to live when investors and property speculators are driving up prices and destroying the permanent rental market in our Shire. 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 and it would not be counted in the annual total! 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: Rosemary mcduie <rosiemcduie@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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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.

Regards,
Rosemary mcduie
35 Pages River Rd
Murrurundi, Nsw 2338

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 8:44 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 08:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rosemary

Last name

Powys-Kerr

Name withheld

No

Info

Email

mosaicmouse@westnet.com.au

Suburb/Town & Postcode

Bexhill 2480 NSW

Submission

I was a resident of Byron Bay for 19 years. I owned the back unit of a two unit strata block. I sold it 18 months ago. Since 2012, the large two storied house next door had become a holiday let. It took me two

years of working with police, ranger, Noisy Neighbours Hotline, the letting agent and the Brisbane owners to reach a stage where I wasn't up half the night monitoring the holiday let neighbours' behaviour. in the beginning it was so bad that the day of my mothers' funeral, 6 Jan 2013, relatives who were to stay the night refused to stay at my house after the burial because of the outrageously loud behaviour of holiday makers next door. This is a distinct example of holiday letting interfering with community life in Byron Bay. Another outrageous example was when holiday makers let off large fireworks at 1am in the front yard of the holiday home and one became wedged in my guttering outside my bedroom glass door with cascades of golden sparks festooning onto my terrace and garden and causing a potential fire hazard. The holiday let has a pet friendly category, so often large dogs were left shut in the house while holiday makers went out for the night. The disoriented animals would bark and howl for hours and no immediate assistance was available from agent or police or ranger. I eventually decide reluctantly to sell and move to a more private area (Bexhill near Lismore) and did my best to find a buyer who intended to live in the unit as a permanent resident. I knew that you can't expect a guarantee that a new owner will really do this no matter what they say. True to form, the new owner (a middle aged woman) vowed and declared that she was moving her business to Byron Bay and would become a permanent resident. As soon as the settlement went through, she began a 6 month 7 days a week renovation program after which the property was listed on Air BnB and now the 3 bedroom 2 bathroom single garage unit is permanently let accomodating 8 people. She has never consulted with the permanent resident owner of unit 1 to gain permission for any of her plans and has no interest whatsoever in the community life of Scott Street Byron Bay. I have met her and despite a wonderful website that indicates that her business is in Byron Bay, she actually resides interstate and works from there. That is my experience in a nutshell. One of my open houses during the sale of my home was marred as a Schoolies group had rented the holiday let property next door. I spent the morning of the open house cleaning out my garden to remove the used condoms that had been thrown over my fence by the holiday makers. When looking for a new house to buy in Byron Bay, before I decided on Bexhill, I was shown several properties in Sunrise and Suffolk Park with garages and spare rooms full of beds for rent through AirBnB and the assurance by the agent that I would make a sound income from continuing to operate this enterprise if I purchased the home. The industrial Estate is another area where short term holiday letting is taking over valuable retail and light industrial spaces that should be available for business people.

I agree to the above statement

Yes

From: Rosemary Treyvaud <nonnasan1@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 we enjoy meeting people from all around the world, as do we when traveling overseas ourselves. We enjoy showing true Australian hospitality and authentic experience of genuine Australian people. We only host in our home whilst we are there, ensuring no inconvenience to neighbors or area. Due to our own travels we host less than 20 nights per year. For us it isn't about making money, it's about hospitality and the joy of meeting fellow travelers.

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.

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Thank you for reading my submission.

Regards,
Rosemary Treyvaud
4B Popplewell St
Moama, Nsw 2731

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 4:59 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 16:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Roslyn

Last name

Young

Name withheld

No

Info

Email

roslyn2026@gmail.com

Suburb/Town & Postcode

Newtown 2042

Submission file

[str-submission.pdf](#)

Submission

Please find attached my submission.

I agree to the above statement

Yes

From: Roslynn Scheuch <ros.scheuch@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

Regards,
Roslynn Scheuch
194 Blaxland Rd
Wentworth Falls, Nsw 2782

From: Roy robertson <micheleroy@bigpond.com>
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...

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:

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Environmental Planning and Assessment (STRA) Regulation 2019

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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. My vote will be influenced by the a above.

Thank you for reading my submission.

Regards,
Roy robertson
999 Burrinjuck Rd
Woolgarlo, Nsw 2582

From: Rudi Gattari <rudi_gattari@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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".

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Specifically, I want to comment on the following:

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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:

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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.

Regards,
Rudi Gattari
51 Fern St
Gerringong, Nsw 2534

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 8:26 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 20:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rufus

Last name

Clarke

Name withheld

No

Info

Email

rufusclarke1@bigpond.com

Suburb/Town & Postcode

Kirribilli 2061

Submission file

[1909-short-term-rental-accommodation-reforms-final.docx](#)

Submission

This submission is on behalf of myself and my wife, who are joint owners of a Lot in a Strata Plan. This is our home, and we value the peace and security that comes with living in a residential Strata building whose other occupants, like us, are long-term residents.

We recognise that, inevitably, there is, and will be, turnover among the occupants of such buildings, but we constitute a reasonably stable and integrated community, with a set of behavioural norms to which we adhere. One of the standard By-Laws applying to Strata properties is that relating to noise: "An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property." There are others which relate to damage to common property, and to plants and lawns, to the behaviour of occupiers, and to car parking, smoke penetration, and fire safety.

The implementation of the proposed short-term residential legislation and regulations will change the current function of By-Laws, which are an important means by which Owners' Corporations manage their properties, based on consensus among the current owners. The proposed legislation and regulations, if approved as proposed, will put this model at risk, notwithstanding the alleged safeguards which have been put forward. These safeguards do not provide an effective mechanism by which those who fail to comply with By-Laws can be brought to account. Other submissions will no doubt point out the deficiencies of the proposed safeguards in detail, but the notion that disruptive behaviour can be prevented by a registration system is the ultimate example of shutting the stable door after the horse has bolted – and will not be acceptable to those of us whose peaceful enjoyment has been disturbed, and who will be left to clean up the mess - literally.

Owners' Corporations must retain the option to enact and enforce By-Laws which protect owner occupiers, and are not overridden by either local or state governments. These must include By-Laws relating to limitation of short-term letting.

Minister Stokes is on record as saying that the proposals are relatively liberal by world standards and would allow the [Airbnb] industry to develop by itself. This liberality is for the benefit of local and global business interests, at the expense of the voters and taxpayers who have put him in government, and who pay his salary. This must not be allowed to happen.

We hope that common sense will prevail, and that the legislation and regulations will be constructed and operated in a way which does not put at risk our peaceful enjoyment of our home.

Prof Rufus Clarke MA MD PhD MPH FRACS FAFPHM
Ms Jeanette Sheridan RN MMgt MA MPolEcon

I agree to the above statement

Yes

From: Rupert Lotz <tomlotz_8@hotmail.com>
Sent: Wednesday, 11 September 2019 2:17 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...

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.

Regards,
Rupert Lotz
161 New South Head Rd
Edgecliff, Nsw 2027

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 2:04 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 14:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Russell

Last name

Collins

Name withheld

No

Info

Email

yaktrak@gmail.com

Suburb/Town & Postcode

Byron Bay

Submission

We need to reduce the number of whole house AirBnB rentals in the Byron Shire so as to create more liveable accommodation for local people. I support options that create opportunities for locals and

distribute costs more evenly to visitors.

I agree to the above statement

Yes

From: Russell Kalashnikoff <russellkalash@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 can use the extra money as I and my wife are retired.

This allows us to earn a little income.

As well we pay tax to the government on the money we earn.

The Airbnb host community depends on hosting as an economic lifeline to help us pay 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.

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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:

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- Mandate smoke alarms – either battery operated or hard-wired
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STRA Property Register

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Code of Conduct

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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.

Regards,
Russell Kalashnikoff
1A Cumbebin Park
Byron Bay, Nsw 2481

From: Ruth Talbot-Stokes <talokes@live.com>
Sent: Tuesday, 10 September 2019 7:56 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: recorded in DPIE subs register, recorded and not sent to DCS

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...

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.

STRA Property Register

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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.

Regards,
Ruth Talbot-Stokes
1/133 University Drive
North Lambton, Nsw 2299

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 11:27 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 11:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Ruth

Last name

Winton-Brown

Name withheld

No

Info

Email

ruth@reclaimingjoy.com

Suburb/Town & Postcode

Bangalow 2479

Submission

As a resident of Byron Shire I am appalled at the abuse of BnB business creep in our shire and strongly object to the relaxation of the rules pertaining to the strict monitoring of Bed and Breakfast businesses

in our shire. This has allowed the growth of this industry to spoil the neighbourhood community to the advantage of many distant land lords.

i am happy for rooms to be let in homes where residents reside and provide a true BnB experience and wish the rules were adjusted to this style of management

It is a total abuse of the idea to permit rentals for longer than 3 weeks yours faithfully

Ruth Winton. Brown

I agree to the above statement

Yes

From: Ryan Letman <letmanryan@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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- Require evacuation or emergency plans and guest education

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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.

Regards,
Ryan Letman
25 Elizabeth Bay Rd
Elizabeth Bay, Nsw 2011

From: ryan@pollyco.com.au
Sent: Thursday, 5 September 2019 9:08 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards

Ryan Polivnick
M: 0419 545 623

PollyCo

RNP PROPERTY SERVICES PTY LTD T/A POLLYCO INVESTMENTS

From: Sabrina Bethunin <sabrina@madecomfy.com.au>
Sent: Tuesday, 10 September 2019 3:47 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: recorded and not sent to DCS, recorded in DPIE subs register, Purple category

Dear Director, Housing and Infrastructure Policy,

As a business owner generating more than 100 employments in NSW I wanted to provide my feedback on the Government's proposed regulations.

I have a business that represents home-owners who wish to host on Airbnb. Airbnb helps these home-owners to pay the mortgage and the bills and to share their spaces to guests so that they can become part of other communities.

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 the homes of our home-owners.

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 properties.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to the properties before hosting, such as expensive lighting systems. I also wonder, if this is required for hosting, why are these homes safe for us to live in?

Should we then change everything and implement these new requirements to all homes in NSW?

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.

I support the NSW Government streamlining safety regulations which:
- Respect the ancillary use of homes for home sharing

- Mandate smoke alarms – either battery operated or hard-wired
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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.

Regards,
Sabrina Bethunin
80 Bay Street, Ultimo
Ultimo, Nsw 2007

11 September 2019

Strata Community Association (NSW)
102/845 Pacific Highway, Chatswood
NSW, 2067

Dear Director,

SCA(NSW) requests extension of time for feedback on proposed amendments to planning rules for short – term rental accommodation (STRA) in NSW.

We seek the due date for our submission be extended to the 2nd October 2019.

Thank you for your consideration.
Sincerely,



Sadiye Ince
Education Manager
Strata Community Association (NSW)

T +02 94958210
M +61 404092542
E sadiye.ince@strata.community

From: Sally Bray <sally@aussiebushadventures.com.au>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 meeting new people and introducing them to Sydney

I 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:

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Thank you for reading my submission.

Regards,
Sally Bray
1 Sterling Circuit
Camperdown, Nsw 2050

From: Sally Dickinson <micsall@aapt.net.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sally Dickinson
8 Seabrae Ct
Pottsville, Nsw 2489

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 11:43 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

Categories: Purple category

Submitted on Fri, 16/08/2019 - 11:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sally

Last name

Johannsen

Name withheld

No

Info

Email

sjohanns@bigpond.net.au

Suburb/Town & Postcode

Casuarina NSW 2487

Submission

Mrs Sally M Johannsen
6 Beason Crt
Casuarina NSW 2487
sjohanns@bigpond.net.au (preferred contact)

15 August 2019

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, to the questions posed in your recent discussion paper.

I am very concerned by the actions taken by Tweed Shire Council ("TSC") in relation to the Short Term Rental Accommodation ("STRA") situation in their region of 90,000+ people. This therefore forms the basis of my comments in relation to STRAs. This is a strong example where a Council is distracted and acting outside its mandated powers and therefore (as a precedence) we can not risk other Council's acting against NSW State Legislation. Therefore I do not believe that any NSW Local Council should have ANY input into STRA regulation. TSC have proven that NSW Councils can not be trusted on this issue. This is based on the fact that TSC have set a precedent in that they have (and continue) to ignore the NSW Planning and Environment Act 1979 by unfairly, inconsistently and inappropriately targeting STRA owners.

The actions of the current crop of Councillors in the Tweed Shire are suspicious – it is imperative that this does not open the door for other councils to ignore NSW State Legislation in relation to STRAs

TSC is a council divided by a regular voting block of 4 councillors against 3. This proven voting block appears to have little idea of the views of their wider community across a range of issues. A recent example of this is the approved development and building of the Tweed Coast Hospital (the 4 councillors, colloquially known as the Rainbow 4 were opposed to the development and site selection and spent significant amounts of ratepayers money on legal advice when they had no mandate to interfere). At the recent NSW election it was clear that their views were not in line with that of their community (Local Tweed MP Mr Geoff Provest was returned with a higher majority on a platform which supported the hospital and its proposed site). It is my view that this is clearly repeated in the STRA issue (as evidenced by the many locals who agree with me on this – as voiced to me personally).

Cr Warren Polglase correctly pleads for TSC Councillors to unite the community and concentrate on local matters – not matters unrelated to council's mandate

The following is from the Tweed Daily News – 16 August 2019

Former mayor and current councillor of the Tweed Shire has called on his colleagues to put party politics to one side and focus on the betterment of the community.

Councillor Warren Polglase told the chamber at Thursday night's council meeting the political ideology of each individual member was obstructing the main purpose of the council.

During a meeting which at times descended into a 'tit-for-tat' bicker between councillors, the former mayor said he wanted the council to be more united.

"We were elected to look after the community," Cr Polglase told the council.

"We need to get back to basics, put down the swords and the shields."

The impassioned speech was made as councillors debated the merit of overturning a 2018 decision which would ban companies who have held contracts with Indian mining giant Adani, from working on projects for the Tweed Shire Council.

Cr Polglase said he believed the chamber should be focusing more in issues which directly affect residents of the Tweed, rather than matter abroad.

"We have all of these issues locally and Adani seems to take a large platform," he said.

While his comments were not received well by all councillors, Cr Pryce Allsop told the chamber that he congratulated the former mayor for speaking up.

I agree with Cr Polglase. The TSC Rainbow 4 are so focused on things outside their mandate that the local economy, businesses and mum and dad ratepayers are suffering. All you have to do is read the TSC Council minutes to see the ongoing delays Development Approvals suffer from as Councillors send back asking for more information or delay decisions on matters which (with focus) could be resolved on a timely basis. It is – in my view - truly a shemozzle (and an embarrassment to the region)! STRA owners have unduly suffered under this distracted focus.

A vocal minority is unduly influencing TSC "policy"

It is my view that the TSC Rainbow 4 have listened to a vocal minority in relation to STRAs. Tourism is the largest industry in the Tweed, providing not only jobs and income to those directly involved (ie STRAs) but to the many associated industries and trades. A vocal minority of residents clearly have the ear of the Rainbow 4, and actively targeted STRA owners to shut them down, and in the process ignored The NSW Planning and Environment Act 1979 ("the Act"). The Act is clear - a residential DA consent validly allows people to enter into tenancies under NSW Residential Tenancy Law and stipulates no minimum time limit to apply to a valid lease. Short term rental (as with long term rental) has always been an undefined (innominate) use of a residential dwelling. The TSC therefore has neither power nor authority to intervene in short term accommodation tenancy dealings.

In essence, a voting block of 4 councillors are holding a whole STRA industry in the shire unfairly to ransom (and ultimately the whole NSW state)!

TSC say they are acting on "complaints". This means that there is not fair and reasonable blanket policy in relation to STRAs, but if an STRA is operating and (like in our case) a neighbor "does not want to live on the same street as an STRA", then the neighbour can make serious, spurious, unsubstantiated complaints against a property (ie with no police or security company report) and TSC will send a letter invariably citing zoning restrictions (which have no correlation to the noise or parking "complaint" lodged) and threatening large fines if they do not shut down (or get an immediate development approval when the residential DA covers the STRA). All this flies in face of the Act. Go figure!

TSC Locals are being unfairly harassed – we can not allow local NSW Councils to over-ride NSW Legislation

The TSC Rainbow 4 (unsupported by the 3 other Councillors) are attempting (through their LEP2014 zoning definitions) to classify STRAs as tourist and visitor accommodation (suggesting that STRAs are commercial operations – despite having no employees, no restaurants, gyms, cafes etc) and therefore have voted for action which is harassing local STRA owners into closing. More than 80 local STRAs have been targeted in the last 12 months or so. Fines of ranging from \$3,000 to \$1,000,000 + \$10,000 (ours was the biggest we have seen) per day have been threatened if they do not close. As explained above, these threats are based on “complaints” which are not subjected to the usual natural justice procedures (and complaints which generally do not relate to the zoning regulation TSC is quoting to justify their threatened actions and fines).

The delays in the NSW STRA Legislation is hurting the TSC community and economy

Given the expected NSW Legislation in relation to STRAs (which has been in process for more than 2 years – and basically ready to go for the last year), STRA owners have decided not to proceed with expensive legal costs and have been patiently waiting for the NSW Regulation to be promulgated. Please do not delay any longer!

Therefore, based on all of the above TSC are acting disingenuously and denying STRA owners their rights under NSW Residential Law and the indefeasibility of their Torrens title property registrations. I have both seen and made detailed representations to the Mayor and senior Council staff by targeted owners. The answers to my trained eyes, indicates that some people in power are acting as if the hiatus provides a suspension of the need to fully respect the normal rule of law? And the delays are only making the matters worse as there is no let up to the fine-threatening letters. It is just not fair nor reasonable.

We need to support and protect Tourism in the Tweed

Safeguarding tourism on the Tweed Coast has very important inter-generation implications. It offers opportunities for local youth to earn wages, confidence and self-esteem to go on to vocational (supporting our local TAFE) or tertiary education, improve their ‘human capital’ and make a greater contribution to society than they otherwise could. Many local businesses are suffering and the Tweed Shire is becoming the laughing stock of the nation on this issue. It could take a while for this negative perception of the region’s tourist policies to recover and rebuild public confidence in our most important industry.

TSC could have approached this in an entirely negative and unproductive way! Over 12 months ago I suggested that within their annual BEATS (Business and Excellence Awards Tweed Shire), there is an opportunity to encourage excellence in STRA as part of their Tourism and Visitor Experience award. But they don’t. With Tourism being the recognized largest industry in the Shire it is shocking that there is not a thoughtful and encouraging approach which supports excellence rather than their big stick approach to shut STRAs down (based on a nebulous and unconfirmed “public interest”. The TSC approach does not make fiscal or policy sense – and is a direct contravention of tourism policy at local, state and federal level! They are spending \$100’s of \$1,000s of ratepayers money paying contractors through Destination Tweed to promote the region, but are shutting down STRAs. Total nonsense and counter-intuitive in my view. It is time to promote excellence, not punitive “punishment”.

Is what TSC doing legal?

I do not believe so and they should be stopped. Please feel free to refer to your government employer as appropriate.

So, I have responded per below, mindful that this proposed NSW regulation is urgently needed and we need to cut Local NSW Council's out of the process. TSC have proven that they can't be trusted.

Yours faithfully

Sally Johannsen

ATTACHMENT

FEEDBACK COMMENTS

Question 1: Agree with recommended standard – although needs to be realistic given we are talking about residential homes which may only be let for short periods. Ie. Don't make the fire safety standard prohibitively expensive given the nature of STRA occupation. It is a personal home after all.

Question 2: Need more information on what type of hallway lighting is required. Per question one, needs to be realistic and fit for purpose (and not over the top as you would expect in a commercial premises where there are a lot more people onsite/at risk)

Question 3: The '21 day rule' is a sensible improvement, However, Councils should adhere to a consistent state-wide "days" policy (ie. No variation in days within or across LGAs)

Question 4: General obligations are realistic and sensible.

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 an accreditation process for STRAs could be implemented to support owners to comply. Accreditation would be encouraged and a star rating given which could be used by STRA owners to promote their accommodation. I encourage positive action rather than a big stick approach to "punish" people for "non-compliance". This is an opportunity to encourage excellence (like the food quality/hygiene rating system for restaurants).

It could be a three tier program which would encourage "property managers", "property consultants" and "owner managers". Property managers would be registered real estate agents. Property consultants would be consultants who act on behalf of owners in managing things like maintenance and bookings but are not officially accredited through the REIA (particularly relevant as often REIA agents are not traditionally available on weekends when STRAs are occupied but local property consultants are on call. Also licensed real estate agents may not be the most appropriate property managers for an STRA). Owner managers are as it suggests. A star rating (similar to hygiene rating) could be achieved through positive reviews.

Question 6: Sounds reasonable.

Question 7: Natural justice MUST apply. Based on experience with Tweed Shire Council, a complaint must be third (independent) party verified with appropriate opportunity for an STRA business to defend

itself against spurious and unsubstantiated complaints (like what has happened in the Tweed Shire).

Question 8: Fair and reasonable.

Question 9: If a rating per question 5 was instituted, it would be reasonable that an excluded STRA could not apply for a rating during their period of exclusion, therefore limiting their capacity to positively and actively promote their STRA. An exclusion should not be kept as publicly available on past exclusion period (ie, done the time so opportunity to redress the situation and restart). An exclusion should also not apply if the STRA is sold to an independent third party. ie. Some thought needs to be put in place to ensure that if a property is excluded (and subsequently sold) that the new owner would have a right to apply for a redaction of the exclusion, provided that they agree to adhere to the STRA regulations. I suppose some clarity as to whether the exclusion applies to the person/owner/manager or the property.

Question 10: Fair and reasonable.

Question 11: The provisions are appropriate – there should be discretion available in their application of penalties

Question 12: Yes.

Question 13: Fair and reasonable

Question 14: Yes

Question 15: No others should be excluded

Question 16: Fair and reasonable.

Question 17: Hosts should pay a registration fee which is based on 50% cost recovery for the OFT. A further fee could be recovered through the fines etc (although this will take a while to accumulate). If a surplus of fees are recovered, then this should be used to ensure the OFT remains properly resourced (as a priority) and not siphoned into other government areas inappropriately.

Question 18: Online booking services could be charged a nominal fee per property if there is a shortfall.

Question 19: Yes

Question 20: The letting platforms could report to the Government, although we need to be mindful that STRA owners may list on more than one platform and the report needs to integrate so that they receive correct information (and an STRA has consolidated information across all its platforms). This could be achieved through the common registration number which could be collated by a Government database.

Question 21: The costs to industry would be negligible and easily absorbed in commission structures, if necessary. The registration process would allow an STRA to confirm its figures across multiple listings.

Question 22: There should be NO Government funding. This process needs to be self sustaining and independent.

Questions 23 to 26: If people were encouraged (through my comments in Question 5) to register and which will allow them to achieve accreditation/quality ratings, then guests would soon learn to be looking for accredited/registered choices. If an STRA is not registered, the OFT should have a process which allows people to simply question an STRA's registration – either via searching the register database (publicly available which would confirm registration and star rating) or by reporting a suspicious STRA. Once industry and guests become used to this process, there will be no need for audits.

Questions 27 to 29: The collection of data ideas are reasonable. Hosts should be able to access and as appropriate update their data (ie. Add in extra nights to their registration to make themselves “super hosts”). It is all about encouraging compliance and rewarding good behaviours/strategies for STRAs.

Questions 30 to 32: Local Councils should have no input into the process. Tweed Shire Council has proven that Councils can not be trusted to act inside their mandates without party political influences. Specific information should not be generally available to the public but STRAs could work towards increasing their ratings for compliance and great service through providing evidence to the OFT about what a great job they are doing (via star rating system).

Question 33: I would suggest that given the delays already experienced and the significant input the industry has had into this regulation, a six month time frame would be sufficient – definitely no more!

Question 34: It is very important that the reforms are promulgated URGENTLY and certainly before the coming Summer High Season. Tweed Shire Council have ‘taken licence’ to smash hosts out of the industry during the prolonged hiatus since passage of the August 2018 legislation. This is wrong (and suspect) as discussed in the covering letter.

Questions 35: Fair and reasonable – BUT NO FURTHER DELAYS please.

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 NOW, or else. People entrusted to operate under the rule of law are behaving questionably in the hiatus period, against the general good and should be not only stopped, but bought to account.

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: Sally Riggert <sallyanneriggert@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 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...

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.

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Thank you for reading my submission.

Regards,
Sally Riggert
13 Chester St
Woollahra, Nsw 2025

From: Sam Burton <samwburnton@gmail.fom>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sam Burton
15 Kooloora Ave
Freshwater, Nsw 2096

From: Sam Di Martino <sam.dimartino57@gmail.com>
Sent: Saturday, 7 September 2019 9:53 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards

Sam Di Martino

From: Sam Di Martino <sam.dimartino57@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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...

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.

Regards,
Sam Di Martino
41 Elizabeth Dr
Vincentia, Nsw 2540

From: Sam Nabulsy <yslusam@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sam Nabulsy
43 Fletcher St
Campsie, Nsw 2194

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 5:42 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

Categories: Purple category

Submitted on Mon, 26/08/2019 - 17:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

SAM

Last name

NG

Name withheld

No

Info

Email

samng2520@gmail.com

Suburb/Town & Postcode

Sydney 2000

Submission

I am against short-term-rental accommodation (STRA) because of the following reasons:

1. Increase strata levy due to higher maintenance & damages to common facilities
2. Loss of privacy
3. Increase security concerns
4. Increase insurance cost for landlord
5. Short-term occupants could misbehave and cause noise and other disturbances
6. Rental increase for local due to reduce in long-term accommodation
7. Negative impact on property value
8. There are many hotels and service apartments in Sydney for tourists
9. Investors lost confidence in Hospitality Industry & reduce employment opportunity & tax lost for government
10. There are many AirBnB "storage lockbox" hanging in Sydney CBD and it does not look good for the city image

I agree to the above statement

Yes

From: Sam O'Brien <samob7@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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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 as an investment property.

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:

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Thank you for reading my submission.

Regards,
Sam O'Brien
45 Ridge St
Merewether, Nsw 2291

11 September 2019

Brunswick Heads Chamber of Commerce Submission on STRA**Introduction**

The town of Brunswick Heads has been providing Short Term Residential Accommodation (STRA) for over a hundred years and until the 1980's was a more significant tourist destination in the Byron Shire than Byron Bay.

The Brunswick Chamber of Commerce has been actively involved in STRA issues for about 20 years. In 2004 in conjunction with the Brunswick Heads community, the Chamber's Tourism Management Group developed the Brunswick Heads Tourism Management Strategy, which included the following key objectives:

- *"to protect the town from inappropriate tourism development and provide the right kind and amount of accommodation in keeping with the town's vision and the visitors' expectations"*
- *"to protect the town from a loss of tourism accommodation"*
- *"to develop a marketing plan for 2004-2009 which focuses on targeting only tourists who are compatible with our community values, rather than increasing tourist numbers." "The central element of this marketing plan is the Simple Pleasures campaign"*

Since that time, the Chamber and the those involved in the town's holiday letting activities have generally consistently adhered to these principles. Unlike Byron Bay, there has not been a significant growth in managed STRA accommodation since that time. In 2008 it was estimated that there were 59 holiday letting properties managed by local real estate agents. There are now about 48 such properties. In the last two years there has been an increase in new STRA properties marketed by Airbnb, which are not also managed by local agents. Our research shows there would appear to be currently about 40 of these.

The choice of accommodation types in Brunswick Heads is much more limited than in Byron Bay. The town has three holiday parks, managed by NSW Crown Holiday Parks, four motels, one hotel and one licenced bed and breakfast just outside of town. The Hotel Brunswick currently offers fourteen rooms but will cease offering this accommodation in January 2020.

Brunswick Heads' tourist demographic is very different from that of Byron Bay. The Brunswick Heads' Simple Pleasures branding has been highly successful in managing tourism so that the relationship between visitors and residents is harmonious. Tourists visiting Brunswick Heads have little negative impact on the local community.

Integrated Policy Framework

The Chamber totally supports the Government's Integrated Policy Framework for STRA that *"seeks to enable local economies to continue to benefit from STRA, while protecting communities from anti-social behaviour such as increased noise for neighbours."* However, Byron Shire Council has consistently not taken into consideration our representations that Brunswick Heads needs to be considered differently than Byron Bay in regard to STRA strategies.

Brunswick Heads has always been highly dependent on tourism, and tourism is still the significant driver of the local economy. According to the last Business Retention and Expansion Survey, 91.4% of businesses are patronised by tourists to some extent and for 21.43% of businesses, tourism provides more than 80% of their income.

We are very concerned, therefore, that any restriction on STRA in our town could have serious negative impacts on our local economy.

ABN 19 217 506 370

POSTAL ADDRESS

PO Box 184

Brunswick Heads

NSW 2483

2019 EXECUTIVE**Acting President**

Juliana Harmsen

Clems Cargo

66851213

clemscargo@gmail.com**Secretary**

Gary Deller

The Happy Dolphin Cafe

66851355

g.deller@happydolphincafe.com**Treasurer**

Kim Rosen

Brunswick Seaside Holidays

0412 316 299

kimsrosen@gmail.com

Jit Chong

Brunswick Heads Pharmacy

66651219

hello@brunspharmacy.com.au

Peter Wotton

Paramount Publications House

0428 655 806

sales@byronandbeyond.com

Russell Siwicki

Elders Real Estate

0419 627 109

michellesiw@hotmail.com

Sam Pedlow

North Coast Lifestyle Properties

0417 465 598

sam@nclp.com.au**Administration Officer**

Vivienne Pearson

6685 1003

chamber@brunswickheads.org.au**Direct Deposit Details**

Commonwealth Bank

BSB 06 2665

A/C – 10025142

Ref: "Your Business Name"

The Draft Code of Conduct

We generally support the draft Code of Conduct, although there will continue to be a significant uncertainty as to whether much of the STRA will continue to be viable in Brunswick Heads until the Ministerial Direction for the Byron Shire is finally determined.

Regarding STRA hosts' insurance policies, it would be quite possible to get public liability insurance to cover the death or injury of STRA guests or visitors and the damage to their property, as required under the Draft Code of Conduct. However, this is only likely to be made available by most insurers where the death or injury or loss of property is the result of the STRA owner's negligence, but not if such death or injury or loss of property is caused by the guests' own actions.

Planning Instrument

We support the proposed changes to the Planning Instrument, as these are likely to bring a much greater certainty for those involved in STRA. For many years, the owners and managers of STRA in Brunswick Heads have been subject to considerable uncertainty in regards to the legality of their activities. This is because of frequently changing relevant legislation and case law, differing legal opinions, and also often unsubstantiated claims made by the Byron Shire Council about the legality of some STRA.

STRA Property Register

We fully support the proposed introduction of a STRA property register. However, we are opposed to the Byron Shire Council being permitted to maintain its own local STRA register, as proposed in motions passed at Byron Shire Council's Meetings in August 2019. We do not believe that this Council has the capacity or the objectivity to manage such a register.

If the management and the enforcement of the Register is to be the responsibility of the Industry & the Office of Fair Trading, we do not understand why the New Regulatory Framework Paper states on P17 that "*Local councils could use the information (in the Register) to enforce compliance with day thresholds.*"

Fees and Cost Recovery

In general, we support the proposal that costs in connection with the administration and enforcement of costs should be recoverable from the STRA Industry. This however is provided that penalties for contravention of the Code are sufficient and effective enough, that the STRA Industry as a whole is not unduly penalised for these contraventions.

Exclusion Zones

We are also opposed to the Byron Shire Council's proposals, included in Motions agreed upon at Council Meetings in August 2019, that the Council be "*excluded or deferred from the proposed operation of the SEPP or if that is not possible, that the Council be shown on the maps in the SEPP to have a 180 day limit on the un-hosted premises for the STRA as a default until such time as the Council planning proposal is completed and the Local Environmental Plan is notified as per Ministerial Direction 3.7.*" The Ministerial Direction requires the Council to first prepare "*a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.*" It would thus be most inappropriate, that before this Ministerial Direction is enacted, for a 180 day limit on the un-hosted premises be instituted on the whole of the Council area including Brunswick Heads, without the Council first ensuring that "*the impacts of short-term rental accommodation and views of the community are considered*" as required in the Ministerial Direction.

The Brunswick Chamber of Commerce's research suggests that a 180 or 90 day limit on un-hosted premises used for STRA would have a devastating impact on STRA accommodation in Brunswick Heads and on the local economy as whole.

STRA SEPP, Fire Safety Standards

While we generally support fire safety standards proposed in the STRA SEPP, we are concerned that if these standards take effect before the Byron Council's Ministerial Direction is finally determined, some STRA owners will have reservations about expending the considerable funds necessary to comply with these standards. This is because the Ministerial Direction might result in their STRA being no longer economically viable.

Sincerely


Juliana Harmsen
Acting President

Brunswick Heads. Chamber of Commerce.



From: Sam Reynolds <info@sjrconstruct.com>
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...

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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:

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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.

Regards,
Sam Reynolds
162 Hulls Rd
Crabbes Creek, Nsw 2483

From: Sam Roberts <samroberrrts@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

James, it's Sam.

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

I host on Airbnb because...

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Thank you

Regards,
Sam Roberts
34 Queenscliff Rd
Queenscliff, NSW 2096

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 11:44 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

Categories: Purple category

Submitted on Fri, 23/08/2019 - 11:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Samantha

Last name

Mckay

Name withheld

No

Info

Email

samanthamckay44@hotmail.com

Suburb/Town & Postcode

Mona vale 2103

Submission

Happy for short term rentals to go ahead however there needs to be strict noise restrictions at a ready time, to keep the neighbors happy that live at the property.

I agree to the above statement

Yes

From: Samantha szyc <cafe2340@hotmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Samantha szyc
16 Cohen St
North Tamworth, Nsw 2340

From: SAMEER BAGADE <sameer_bagade@hotmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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- 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.

Regards,
SAMEER BAGADE
7 Sybil St
Eastwood, Nsw 2122

From: Sami Einola <sami.einola@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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:

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Thank you for reading my submission.

Regards,
Sami Einola
28 Pelican St
Darlinghurst, Nsw 2010

From: Sandra Berner <sandraberne@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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

1. I am a 76 year old self funded retiree only just outside the requirements of the Aged pension.
2. As a host with Airbnb I am able to earn that little bit extra to help towards living expenses and Strata levies.

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".

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Thank you for reading my submission.

Regards,
Sandra Berner
45 Queen St
Berry, Nsw 2535

From: Sandra Carter <sandracarter05@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Sandra Carter
13 Poplar Rd
Lake Albert, Nsw 2650

From: Sandra Engstrom <sandztorm4@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

I am a widow living alone and I use the space my children once occupied to host on Airbnb to help with my mortgage and road to retirement. I provide a valuable service to visitors to this area where there are no other hotels or motels nearby.

Like me, 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".

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Thank you for reading my submission.

Regards,
Sandra Engstrom
19 Huntly Rd
Bensville, Nsw 2251

From: Sandra Huggett <chateaufite@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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...

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.

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Thank you for reading my submission.

Regards,
Sandra Huggett
69 Bonito St
Corlette, Nsw 2315

From: Sandra Luvis <sandra.luvis@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sandra Luvis
15 Leanda St
Port Macquarie, Nsw 2444

From: Sandra Yoon <sandrayoon@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 love being able to share our beautiful home with those who are visiting our area.

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.

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Thank you for reading my submission.

Regards,
Sandra Yoon
14 Ivey St
Lindfield, Nsw 2070

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 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

Categories: Purple category

Submitted on Mon, 02/09/2019 - 09:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sanjeet

Last name

Kumar

Name withheld

No

Info

Email

skumar23in@yahoo.com

Suburb/Town & Postcode

2147

Submission

I believe you should not put any strict rules to share your house on air bnb reason this is helping us to support our ongoing increasing expenses also providing people other cheaper options for accommodations.

Example uber providing fast and cheaper options for consumers.

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 9:14 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

Categories: Purple category

Submitted on Sat, 17/08/2019 - 09:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sara

Last name

Jackson

Name withheld

No

Info

Email

sarajackson335@gmail.com

Suburb/Town & Postcode

Berry , NSW 2535

Submission

The suggested regulations would decimate the holiday rental market and the income it brings to towns such as Berry. Particularly the proposed fire regulations. I have a small weatherboard house built around the year 2000 on land with a Registered Property Agreement on it which I let as a weekender and have done for many years and would never make the intrusive and draconian changes to the property. I, along with the majority, would simply remove it from the weekend rental market. I would suggest that if a house is safe enough for a family to live in full time it is safe enough for visitors to stay two nights in. Some of the proposed requirements are quite absurd. It will be like living in repressive State where providers go 'underground', risking great personal penalties to do so and would fan the flames of a general contempt for the legislative intrusion of Government into daily life. The Nanny State is no good for anyone, including its citizens who like to go away somewhere new for a weekend without having to stay in bland custom-built properties with no soul and no character but which tick all the regulation boxes.

And has any consideration been given to the expense of these changes to people who own a unique property in a unique location? The country will be the poorer for its people not being able to experience the interesting and having no choice but to stay in increasingly institutionalised buildings. How does Rome or Paris or London manage?

Please, see this for the disturbing level of bureaucracy that it is.

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: Sara McAllister <mcallisterfamily5@icloud.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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".

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Thank you for reading my submission.

Regards,
Sara McAllister
5A Kenilworth St
Mannering Park, Nsw 2259

From: Sarah Davis <tosarahdavis@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

Mainly: It creates holiday tourism for Toukley on Central Coast, Offers short stay holidays to Sydney families only 1hr north of Hornsby and is located on the lakes, a holiday destination.

I help investors lease their holiday home & share it with holidayers from Sydney.

I also run a home (real estate) business & rely on the income to support my family, as a self employed member of the community. It supports food & clothes to raise my children

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.

Regards,
Sarah Davis
1 Tamar Ave
Toukley, Nsw 2263

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 4:57 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 16:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sarah

Last name

Galvin

Name withheld

No

Info

Email

sarahgalvin121@gmail.com

Suburb/Town & Postcode

Berry 2535

Submission

Good afternoon,

I wish to make a submission based on the information above for the new planning policy for STRA. My one concern is limiting properties to 2 people per room. Many holiday houses are designed so multiple families can share accommodation and holiday together. The policy doesn't allow for bunk rooms for children or large rooms that can accommodate various sleeping arrangements. Please reconsider this proposal.

Kind regards
Sarah Galvin

I agree to the above statement
Yes

From: Sarah Grant <reservationsbyronbaybeachfront@gmail.com>
Sent: Tuesday, 10 September 2019 3:41 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 have a business that represents home-owners who wish to host on Airbnb. Airbnb helps these home-owners to pay the mortgage and the bills, and to share their spaces to guests so that they can become part of other communities.

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 the homes of our home-owners.

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Thank you for reading my submission.

Regards,
Sarah Grant
2 Alcorn St
Suffolk Park, Nsw 2481

From: Sarah Kerr <sarahjkerr@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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.

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Environmental Planning and Assessment (STRA) Regulation 2019

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Thank you for reading my submission.

Regards,
Sarah Kerr
1 Anderson Ave
Dundas, Nsw 2117

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 9:58 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

Categories: Purple category

Submitted on Wed, 04/09/2019 - 09:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sarah

Last name

Murphy

Name withheld

No

Info

Email

sarahcm73@hotmail.com

Suburb/Town & Postcode

2251

Submission

I am very concerned about this! Why do we have to take the FUN out of life in this state!

What bothers me is this -

In this country housing is so unaffordable. We have never rented our house to anyone however we live

in a beach suburb where many people visit (Avoca beach NSW). Our beach is packed in summer and when I speak to people visiting - many of them are here staying in air bnb's. Most of these people do this because holidays for MOST people (particularly in Sydney) are unaffordable. People can't go away like they used to because mortgages are so high so air bnb is what people use to have FUN in life! The government wastes all this money campaigning on improving people's mental health and yet the same govt makes housing unaffordable and now want to destroy people's ability to go on an affordable holiday and keep people miserable ! A family of five can no longer afford to go to Qld and stay in a hotel - they have to use things like air bnb so they can take their kids on a trip to the beach! What are you all thinking? This country used to be about everyone being able to have a break. I have met so many families visiting up here that can only ever afford to visit coastal nsw. Other holidays are out of their reach. Imagine being a child living in western Sydney with no prospect of a holiday. Honestly no wonder people are miserable around this country. We are making life so difficult for large groups of people by making things unaffordable! It's SO wrong and unAustralian! Let people rent out their houses and obviously they have to have fire detectors - but all of that other nonsense is just a way to rip people off and keep people miserable. It will mean families will have less opportunities to take their children out in this horrible housing affordability state we are in and it will just mean councils like Gosford reap money in to spend at their Xmas party! How many personality bypasses did it take to come up with this garbage proposal to over regulate house sharing. There are more concerning things to be worried about - such as keeping hard working Australians happy!

I agree to the above statement

Yes

From: Sarah Ogilvie <sarah@luxico.com.au>
Sent: Monday, 9 September 2019 3:51 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW - Byron Shire specifically

Dear Minister,

I have worked in the short-term rental accommodation industry in the Northern Rivers of NSW for the last 10 years. It is an important driver of economic growth and job creation for the NSW tourism industry.

At Luxico we focus on hosting Australian family groups on their holidays. We are often hosting multiple generations all getting together for annual holidays, 70th's, anniversaries etc.

We have staff members on the ground offering 24/7 contact with guests and face to face check-ins. Our houses are signed, booking rules strict, bonds high and guests very well informed of the neighbourhood noise regulations before booking, again before arrival and again at check-in.

These processes that we have in place create an environment where guests have peaceful holidays and neighbours are not disturbed and are very supportive of our services.

These families coming in Byron Bay and surrounds create an enormous amount of important economic support to the local community. We promote and book only local chefs, tour operators, therapists etc. Our welcome hampers and in-house products are all locally made.

It would be incredibly disappointing and destructive to so many locals careers if the 90 or 180 day restriction was actually rolled out. Instead of putting a noose around the neck of the industry, I would suggest that the following was enforced...

- * if a home is 3 bedrooms or less an annual fee of \$500 was paid to council to be a registered holiday rental
- * if a home is 4 bedrooms or larger an annual fee of \$1000 was paid to council to be a registered holiday rental

There are over 2000 holiday houses in the Byron Shire, this would be an amazing injection of funds for council.

Then these homes need to pass a check-list of safety and staffing rules...

- * pool compliancy certificate
- * signs by the pool saying no use after 10pm
- * signs at the front of each house with contact info of the property manager
- * manager to live in the Byron Shire
- * functioning fire alarms, fire extinguishers, blanket etc
- * no more than 2 adults per bedroom (additional children allowed)
- * bookings of 7 days or longer are exempt from any annual allowed booked night restrictions
- * visitors/functions/parties not allowed

As a responsible operator, I strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Warm regards,

—

SARAH OGILVIE

Byron Bay sales manager, reservations guru, pooch devotee, mediocre paddle boarder, camper extraordinaire, aspiring green thumb, avid carb & whisky advocate

LUXICO

E: sarah@luxico.com.au

M: 0408 514 352



WWW.LUXICO.COM.AU

From: Sarah Ogilvie <sarah@luxico.com.au>
Sent: Tuesday, 10 September 2019 3:33 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 have a business that represents home-owners who wish to host on Airbnb. Airbnb helps these home-owners to pay the mortgage and the bills, and to share their spaces to guests so that they can become part of other communities.

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 the homes of our home-owners.

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
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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.

Regards,
Sarah Ogilvie
Roundhouse Place
Ocean Shores, Nsw 2483

From: Sarah Rowsell <sarah.rowsell@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 love my house and want others to enjoy an authentic and real experience here our lovely town of PMQ.

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:

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- Mandate smoke alarms – either battery operated or hard-wired

- Require evacuation or emergency plans and guest education

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Thank you for reading my submission.

Regards,
Sarah Rowsell
21 Park St
Port Macquarie, Nsw 2444

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 4:38 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 16:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sasha

Last name

Huxley

Name withheld

No

Info

Email

sasha.huxley@bigpond.com.au

Suburb/Town & Postcode

Milsons Point 2061

Submission

Preservation of owners' rights.

Residential apartment buildings in mixed use and commercial zones, with express limitations on short term letting must have their by-laws respected and preserved. There should not be any over-riding policy which dictates limitations, on the right of the apartment owners to decide whether or not, to permit short-term letting where this is a clear desire of the democratic majority.

Residents' homes should not be allowed to be turned into a hotel by short term rentals, and the quite enjoyment of their homes impacted adversely.

The rapid growth in short-term letting has significantly impacted on apartment buildings, as well as residents' amenity, strata costs and individual safety.

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 1:48 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 13:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sarah

Last name

Bartley

Name withheld

No

Info

Email

sarah@bartley.id.au

Suburb/Town & Postcode

Mullumbimby 2482

Submission

I oppose whole houses that could be for permanent rental, being used for Air BnB holiday accommodation. It is unfair when many many people in the Byron Shire struggle to find anywhere

(affordable) to rent.

I agree to the above statement

Yes

From: Scott Bennett <scottbennett60@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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...

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

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Thank you for reading my submission.

Regards,
Scott Bennett
23 College St
Drummoyne, Nsw 2047

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 10:36 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

Categories: Purple category

Submitted on Fri, 23/08/2019 - 10:36

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

scott

Last name

butler

Name withheld

No

Info

Email

scott@nettex.com.au

Suburb/Town & Postcode

dee why 2099

Submission

short term leasing should be scrapped as no one can properly regulate it nor control it especially in strata

senario

Renter rents an apartment then decides to make money so they decide to get other accomodation and short term their rental at a higher price

the short termmer sets up a brothel /or a drug lab or worst case senario burn the unit down

problem who is responsible and whos going to pay

the renter says they must have broken in while the renter was "away "

the short termmer is gone

the short termmer ...gone

the renter not responsible ..break in

the owner claims no blame

how can any one control or monitor this...they dont

THIS IS ONE SENARIO OF MANY THATS TURNS OUT TO BE A LOSS LOSS SITUATION FOR THE REST OF THE RESIDENTS IN THE STRATA

ESPECIALLY THE OWNERS WHO WILL, HAVE TO FOOT THE BILL FOR A RENTERS GREED AND DESTRUCTION

THE COUNCIL TAKE 6 DEGREES OF SEPERATION

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: Saturday, 24 August 2019 2:53 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

Categories: Purple category

Submitted on Sat, 24/08/2019 - 14:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Scott

Last name

McCabe

Name withheld

No

Info

Email

scottmccabe82@hotmail.com

Suburb/Town & Postcode

Sydney

Submission

I have been self employed as a host in the STRA industry for over 6 years, also hiring 3 part-time cleaners to assist me.

I am very concerned about these new changes to STRA legislation, specifically the "180 day limit" which would essentially make me and the cleaners instantly unemployed.

Also, the "proposed registration system" would be an ongoing cost burden for a slim profit margin and not necessary for a self regulating industry.

I love the work that I do, pay my fair share of tax and now fear that I will not be able to sustain a living doing this under those changes.

Under the current proposal, many full time hosts in my situation will become unemployed because of the 180 day limit and cost burden of the registration system. This will essentially increase the social welfare burden as many hosts in my situation have a skill set will be difficult to find similar work being out of the mainstream accommodation industry for many years now.

A 180 day limit is reasonable for smaller towns which would have a greater impact by full time hosting, but large cities are better equipped to accommodate year round hosting and should not have a daily limit. This would greatly minimise unemployment for responsible hosts that have already established a living within the STRA industry.

I do agree with the 75% vote for strata and owners corporations to ban hosting in a property as a means of reasonable self regulation within current framework.

Registration is not necessary, cost prohibitive and a burden for the industry. The system already works fine and has been operating for years with minimal circumstances requiring intervention.

For apartments, current framework such as building strata or owners corporations can easily oversee these issues, not a government organised registration system. Perhaps legislation should provide increased powers for strata and owners corporations rather than a cost prohibitive government body. For stand alone dwellings, regulation enforcement should be done on an "as needed" basis through the proposed exclusion register rather than having the high cost for operating an industry wide register.

The proposed exclusion register is a fantastic idea which can be maintained for problematic hosts, problematic guests, and problematic properties and eliminate the need for a registration system over the entire STRA industry. This would drastically reduce the cost burden and cost recovery effort.

Safety proposals mentioned in the new regulatory framework are also a good idea for the safety of guests that are not aware of the property. Compliance can easily be made compulsory to prove through the booking platform. Airbnb, homestays, etc can enforce pictures to be uploaded twice per year of the evacuation plan on the back of the door, fire blanket and extinguisher in kitchen. This safety compliance could be absorbed by those large booking platforms and could already be included within the fees paid per reservation so no increased cost burden to hosts and removes the necessity of a large and expensive governing body to be created.

In conclusion, I strongly disagree with the proposed 180 day limit for Greater Sydney, and I strongly disagree with the cost burden essentially required with an industry wide registration system.

I urge the 180 day limit to be removed for Greater Sydney to reduce the impact of unemployment for responsible hosts. I also urge the compulsory registration system to be removed from the proposal, instead being replaced by industry self regulation via increased strata powers, booking platforms increased role for safety compliance and a much more affordable exclusion register rather than

expensive industry wide registration.

I completely agree with the safety aspects of the proposed framework which can be made the responsibility of the booking platform to ensure compliance as mentioned.

This would strike the correct balance to achieve the desired results of securing compliance of improving the safety standards for guests, control problematic hosts or properties through an exclusion register and reduce negative effects of unemployment and social welfare burden of excessive regulation on an industry already operating with minimal problems for a vast majority of the industry.

Thank you for your time

I agree to the above statement

Yes

From: Scott Thomas-Tong <scottany@me.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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...

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.

Regards,
Scott Thomas-Tong
36 Ready Money Rd
Upper Rollands Plains, Nsw 2441

From: Sean Kaufman <seandpkaufman@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 is an excellent way to make efficient use of my place when I am away. It also provides a good source of alternative income to cover off the rent that I have to pay while I am away.

The Airbnb host community depends on hosting as an economic lifeline to help with rising affordability issues (including bills, rents and mortgages). By recommending favourite cafes, restaurants and shops, and other small businesses in the area, hosting also contributes to the local economy and tourism.

It is deeply concerning 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 global economy's future is in a sharing economy, and it is only right that we embrace it and harness its potential instead of resisting change.

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 applications. As an urban planner, this appears to me as a narrow-viewed interpretation of the permissibility of short term rental accommodation within existing zones. Treating STRA similar to other tourist and visitor accommodation uses is not appropriate given its temporary nature. A more nuanced approach is required. The City of Sydney's tourist and visitor accommodation plan for example, highlights the need for a more diverse supply of short term accommodation here in Sydney. This move of making it more complex (and potentially costly) for more non-traditional STRA supply to be available is directly counter productive to supporting the visitor economy. Home sharing (when used and done as it should be) also does not impede on the housing supply. It merely allows existing owners and renters to share their homes and use each dwelling more efficiently from a supply perspective. It also helps with a huge proportion of renters and owners that are currently in housing stress (paying 30% or more of their income in rent or mortgage).

This proposed intervention 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. This is therefore in no way an appropriate solution to both the housing affordability and low-supply of short term accommodation issues. If Sydney is to continue to be a global city, the NSW government should do better in addressing these concerns, not just slap more onerous regulation (see how the lockout laws affected the night time economy and creative and cultural uses in the city).

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:

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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.

Regards,
Sean Kaufman
177-219 Mitchell Rd
Erskineville, Nsw 2043

From: Sean MULHEARN <sean@jacarandacp.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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

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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:

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Thank you for reading my submission.

Regards,
Sean MULHEARN
6 Tramway Rd
North Avoca, Nsw 2260

From: Sean OBrien <sean@lindsea.com.au>
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 I need to supplement 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".

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Thank you for reading my submission.

Regards,
Sean OBrien
19 Cove Ave
Manly, Nsw 2095

From: seedfoodwithlove@gmail.com
Sent: Thursday, 5 September 2019 10:36 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

From: Seli Inthavong <neofunkt@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 allows me to generate some extra income from my investment properties. Especially as a single parent it allows me to spend some time with my family, rather than having to work extra jobs to cover the mortgage repayments.

I also genuinely love travel and meeting guests from around the world and giving them suggestions and ideas on how to experience our beautiful city. I always recommend my favourite local 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:

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- 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

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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.

Regards,
Seli Inthavong
Goulburn St
Surry Hills, Nsw 2010

From: Semra Murphy <semra.murphy@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Semra Murphy
20 Milford Rd
Miranda, Nsw 2228

From: Sereykosal kim <kim.sereykosal@yahoo.com>
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,

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Thank you for reading my submission.

Regards,
Sereykosal kim
22 Childers St
Bonnyrigg Heights, Nsw 2177



Nick Lalich MP

MEMBER FOR CABRAMATTA



The Hon. Kevin Anderson MP
Minister for Better Regulation & Innovation
GPO Box 5341
SYDNEY NSW 2001

Dear Minister,

I have recently been visited by Mr Sereykosal Kim of 22 Childers St, Bonnyrigg Heights NSW 2177, regarding the recent changes to the Short-term Rental Accommodation (STRA) Rules.

Attached is Mr Kim's feedback on the STRA adjustments and how they may affect current Airbnb owners.

Your assistance into this matter is greatly appreciated, and I look forward to your response at your earliest convenience.

Yours sincerely,

Nick Lalich MP
STATE MEMBER FOR CABRAMATTA

12 SEP 2019



Anne McNamara

From: Sereykosal kim <kim.sereykosal@yahoo.com>
Sent: Wednesday, 11 September 2019 1:56 PM
To: ElectorateOffice Cabramatta
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear MP Lulich,

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.

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Thank you for reading my submission.

Regards,
Sereykosal kim
22 Childers St
Bonnyrigg Heights, Nsw 2177

From: Ministerial Services <MinisterialServices@customerservice.nsw.gov.au>
Sent: Tuesday, 17 September 2019 3:04 PM
To: DPE PS STHL Mailbox
Subject: STHL submission - Ministerial corro
Attachments: 16092019160024-0001.pdf

Categories: Tessa Submissions

STHL submission received at Minister Anderson's office.

Regards

Wendy

Wendy McKenzie
Senior Advisor, Ministerial Services
Office of the Secretary
Department of Customer Service
92-100 Donnison Street, Gosford
(02) 9219 3809 wendy.mckenzie@finance.nsw.gov.au

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From: Sergio De Oliveira <sergiooliveir13@hotmail.com>
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...

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.

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- Respect the ancillary use of my home for home sharing
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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.

Regards,
Sergio De Oliveira
6 Pine Tree Ln
Terrigal, Nsw 2260

From: Seth Hamon <sethhamon@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Seth Hamon
6 Phillip Rd
Smiths Lake, Nsw 2428

From: Sgarbossa Federico <federico.sgarbossa@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 sometime I go on holidays and the house is free

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.

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Thank you for reading my submission.

Regards,
Sgarbossa Federico
453 Bourke St
Surry Hills, Nsw 2010

From: Shane Diehm <dieh1sha@westnet.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: rob submission 2.0, Air BNB run

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 enables me to share my home predominantly during festival and peak seasons. I offer affordable accommodation and provide a service to the local community/environment. I would average about 7 weekends a year hosting Airbnb.

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.

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Thank you for reading my submission.

Regards,
Shane Diehm
20 Booyun St
Brunswick Heads, Nsw 2483

From: Shane O'Brien <shane@artcircus.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Shane O'Brien
114 W High St
Coffs Harbour, Nsw 2450

From: Shannon OConnell <rhannyo@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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Thank you for reading my submission.

Regards,
Shannon OConnell
Coffs Harbour
Coffs Harbour, Nsw 2450

From: Shannon Wood <shannon@portmacquariefn.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Shannon Wood
8 Gordon St
Port Macquarie, Nsw 2444

From: sharlene irvin <sharlenestheboss@yahoo.com.au>
Sent: Friday, 6 September 2019 4:15 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and the code of conduct. However, I oppose the night limits and use restrictions for our properties %2◆◆ 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.

[Sent from Yahoo7 Mail on Android](#)

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 2:24 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 14:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

sharon & chris

Last name

rumore

Name withheld

No

Info

Email

acrumore@outlook.com

Suburb/Town & Postcode

Pymont. 2009

Submission

I make the following submissions -

1. New Strata by-law. Strata schemes will be allowed to pass a by-law that prohibits STRA for any lot where that Lot is not the Owner's principal residence. Is "Principal Residence" the same as that determined by the ATO for tax purposes? Is there a place of registration where a person's principal place of residence is registered.? How can the strata scheme access this information to determine if a particular Lot is, or is not, the Principal Residence of the Owner. What is the case where a Lot is held in a company or Trust name?
2. Day Caps. Determination of The draft law will allow a unit to be let out under STRA for up to 180 days per year ONLY if the Host is present. I submit that this should be a limit of 30 days per annum, rather than 180.
3. Determination of HOST presence.
 - a. How can the strata scheme determine whether or not the Host is present during a short-term letting?
 - b. How can the strata scheme determine the number of days that a host is, or is not, present during a short-term letting?
4. 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.
5. The Register: 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.
6. Host Obligation: There must be an enforceable obligation for hosts to register their premises on the Register AND with strata scheme 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.
7. Platform Obligation: There must be a legal obligation for platforms and agents not to list any unregistered residential dwellings for STRA. 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.
8. 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.
9. Council discretion: Local Councils should have the right to set a lower cap and have the right to apply restrictions to meet its zoning and planning objectives.

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, 23 August 2019 4:51 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

Categories: Purple category

Submitted on Fri, 23/08/2019 - 16:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Sharon

Last name

Pope

Name withheld

No

Info

Email

sharon.pope@muswellbrook.nsw.gov.au

Suburb/Town & Postcode

Muswellbrook

Submission

The proposed SEPP satisfactorily meets the request by Muswellbrook Shire Council to allow STRA to be managed differently according to the location of the premises in the Shire.

Public transport is often not a viable option for travel in rural and regional areas. An STRA with up to 6 bedrooms could generate considerable demand for parking, and potential impacts on neighbouring properties due to on-street parking. We request that consideration be given to adding additional criteria for exempt and complying STRA outside the Greater Sydney Region, to require a minimum of 1 parking spaces per bedroom, which may include stacked parking in driveways in front of carports or garages.

The concept of an exclusion register is supported, but may not be effective if the exclusion is only incurred by the person who made the STRA booking. It should relate to all guests on the premises at the time the strike was recorded, otherwise a group of friends can overcome the exclusion by taking turns in booking a premises in their different names.

I agree to the above statement

Yes

From: Sharon Selby <info@selbys.net.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sharon Selby
1152 Upper Kangaroo River Rd
Upper Kangaroo River, Nsw 2577

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 1:14 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

Categories: Purple category

Submitted on Mon, 02/09/2019 - 13:13

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Shaun

Last name

Ayshford

Name withheld

No

Info

Email

shaun_ayshford@bigpond.com

Suburb/Town & Postcode

Blacksmiths 2281

Submission

We have two (2) "air bnb" style accommodations adjacent to us. One is across the road and one is next door. We live on the beach in a very quiet suburb, and these two properties give us a horrendous time, particularly in the Spring to Autumn months.

I will clearly state that four in five short term renters are extremely nice, give positive economic input into our community, and generally add to the colour of our post code. This means one in five are atrocious, rude, completely disrespectful and generally make our summers miserable. Given that each place will be booked solid on a weekly basis through the beach period, we will have at least one week in four or five where we regularly have to intercede, call the police or generally put up with crap. For both properties the owners dont really care.

My wife and I have young kids, and I regularly work away from home. My wife feels that we need to move. We have renters with drugs, swearing, leave piles of rubbish or stay up to early morning making enormous noise levels. I'll wake up on a Saturday morning and there will be beer bottles, rubbish and occasionally a passed out drunk on the front lawn. I have countless video and photograph evidence, much more than 256mb limit.

I feel it is not fair to my street that we are house proud and have a caring community, pay rates and generally contribute to land care but have to put up with these idiots. The owners dont live any where near us so never intercede. I suggest it is mandatory that the owner lives on the property or within 20 minutes. This is the spirit of airbnb as I know it. else have a manager and charge a bond that can force these geese to at least be civilized.

I actually beg you to do it or the consequence is my young family will be forced to move.

Shaun

I agree to the above statement

Yes

From: Shaun Whitechurch <shaun.whitechurch@federationcouncil.nsw.gov.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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STRA Property Register

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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.

Regards,
Shaun Whitechurch
36 Birdwood St
Corowa, Nsw 2646

From: Shauna Wilson <breakfastcreekhouse@gmail.com>
Sent: Friday, 6 September 2019 4:50 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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 also oppose the restriction of beds per room. My holiday rental property is in the country and the nearest neighbour is 1km away. It is often rented by families wanting to get together with extended family members. As such the kids, up to four, sleep in one room. It works perfectly for everyone.

Lastly my property on 60 acres supports two families in the village who take care of the grounds, the horses and the management of the house.

Your sincerely

Shauna Wilson | Owner
Breakfast Creek House and Cottage

Email: breakfastcreekhouse@gmail.com

www.breakfastcreek.net

ABN: 51 840 781 610
Mobile: +61 (0) 412 527774

From: Shaylah Sullivan <shay.leeandme@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Shaylah Sullivan
36A Dixon St
Fairy Meadow, Nsw 2519

From: Shaynee Tranter <shayneetranter@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Shaynee Tranter
11 Kyeamba St
Merimbula, Nsw 2548

From: Shaynee Tranter <shayneetranter@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Tom Submission, Air BNB run

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Regards,
Shaynee Tranter
11 Kyeamba St
Merimbula, Nsw 2548

From: Ministerial Services <MinisterialServices@customerservice.nsw.gov.au>
Sent: Tuesday, 17 September 2019 2:54 PM
To: DPE PS STHL Mailbox
Subject: Consultation submission
Attachments: 16092019160033-0001.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions

For info:

Ministerial correspondence received via Minister Anderson's office.

Regards
Wendy McKenzie

Wendy McKenzie
Senior Advisor, Ministerial Services
Office of the Secretary
Department of Customer Service
92-100 Donnison Street, Gosford
(02) 9219 3809 wendy.mckenzie@finance.nsw.gov.au

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Council reference: ECM11261642

6 September 2019

Director, Housing and Infrastructure Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2000

**Shellharbour City Council submission on proposed planning controls short-term
rental accommodation - September 2019**

Dear Sir/Madam

Thank you for the opportunity to make a submission on the proposed controls for short-term rental accommodation. Council officers have prepared this submission and the Council has not endorsed it.

Council's comments are as follows.

Car parking

There are no requirements to provide car parking. Council recommends that a requirement of one car parking space per bedroom be required for both exempt and complying development.

Number of bedrooms

Council recommends that exempt development be limited to no more than three bedrooms and complying development be limited to no more than five bedrooms. The proposed number of people/bedroom and total number of people, whichever is the lesser is satisfactory.

Registration system

Council recommends a registration system be required and that requirement be included as part of the exempt and complying development standards. That is, the requirement be included in clauses 11, 12 and 13. This should ensure all STRA properties are registered. If they are not registered then they will not meet the exempt or complying development requirements and are therefore not permissible.

The proposed system include registration, in some form, with the NSW Fair Trading as well as any proposed industry-led system. This will provide a direct link to the administration of the Code of Conduct by the Commissioner for Fair Trading.

ENGLISH

If you have difficulties understanding this correspondence, please contact Council by phone (4221 6111) or, if you wish, come into the office where staff will be pleased to assist you and if required, an appropriate interpreter will be called.

MACEDONIAN

Ако имате тешкотии да ја разберете оваа кореспонденција, ве молиме контактирајте ја Општината по телефон на 4221 6111 или ако сакате, дојдете во канцеларијата каде што службениците со задоволство ќе ви помогнат, и ако е потребно, ќе повикат соодветен преведувач.

SPANISH

Si tuviera dificultades para entender esta correspondencia, le rogamos llamar por teléfono al Municipio, número 4221 6111, o bien, si lo prefiere, puede venir a nuestras oficinas, donde el personal tendrá el agrado de ayudarle y, si fuera necesario, de llamar a un intérprete.

GERMAN

Wenn Sie Schwierigkeiten haben, diese Korrespondenz zu verstehen, setzen Sie sich bitte telefonisch mit der Gemeinde in Verbindung (4221 6111) oder, falls Ihnen das lieber ist, kommen Sie in unser Büro: wir werden Ihnen gerne behilflich sein und werden, falls nötig, einen estsprechenden Dolmetscher hinzurufen.

ITALIAN

Se non riuscite a capire bene questa lettera, vi preghiamo di telefonare al Comune, numero telefonico: 4221 6111. Se preferite, potete venire di persona al nostro ufficio dove il personale sarà felice di aiutarvi. Se richiesto, un interprete sarà messo a vostra disposizione.

GREEK

Αν έχετε δυσκολία να καταλάβετε την παρούσα αλληλογραφία, παρακαλούμε επικοινωνήστε με τη Δημαρχία (Τηλ.4221 6111), ή αν επιθυμείτε ελάτε στα γραφεία όπου το προσωπικό θα σας βοηθήσει ευχαρίστως και αν χρειαστεί θα κληθεί κατάλληλος διερμηνέας.

CROATIAN

Ako ne možete razumjeti ovo pismo, molimo nazovite općinu na 4221 6111 ili, ako želite, dođite u naš ured gdje će vam osoblje rado pomoći i po potrebi nazvati odgovarajućeg tumača.

PORTUGUESE

Se tem dificuldade de entender esta correspondência, aueira contactar o Conselho Municipal pelo telefone (4221 6111) ou, se o quiser, queira vir á secretaria onde o pessoal terá prazer de lhe prestar ajuda e, se for preciso, mandar-se-á vir um intérprete.

SERBIAN

Ако имате потешкоћа у разумевању овог дописа, молим назовите Општину на 4221 6111 или, ако желите, дођите у нашу канцеларију где ће вам особље радо помоћи, или, где је потребно, назвати одговарајућег тумач.

TURKISH

Bu yazıyı anlamakta zorluk çekerseniz, Belediyeyi lütfen telefonla 4221 6111 arayınız, veya dilerseniz ofise geliniz; oradaki görevliler size memnuniyetle yardım edecekler ve gerekirse uygun bir tercümanla temasa geçilecektir.

POLISH

Jeśli masz trudności ze zrozumieniem treści niniejszego pisma, skontaktuj się z Radą Miejskiej (Council) telefonicznie pod numerem 4221 6111, lub też - jeśli wolisz - przyjdź do naszego urzędu, gdzie personel z przyjemnością udzieli Ci pomocy i - w razie konieczności - zorganizuje pomoc tłumacza.

Commencement of the controls

The legislation could be assented to but not made, similar to the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018 and at least three months be given prior to the commencement of all the relevant components. This period will enable:

- the State government time to develop processes and systems to administer the framework including a registration system and undertake information and education activities
- participants time to undertake research to ensure they comply with the relevant legislation and code of conduct as well as complete the relevant fire safety upgrades
- industry time to develop their property register and
- council's time to update planning certificates and regulatory systems

Should you require more information on this submission, please contact Ian Rankine on 4221 6136.

Yours sincerely



Geoff Hoynes
Group Manager City Planning

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 3:07 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Fri, 06/09/2019 - 15:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Ian

Last name

Rankine

Name withheld

Yes

Info

Email

ian.rankine@shellharbour.nsw.gov.au

Suburb/Town & Postcode

Shellharbour City Centre 2529

Submission file

[scc-submission-to-dpie-short-term-rental-accommodation.pdf](#)

Submission

Please see attached submission

I agree to the above statement

Yes

From: Sheree waks <waksy1@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 is often hard to find long term people for share accommodation, and Airbnb is helpful for some short term in the meantime. I also enjoy meeting people from around the world.

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.

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Thank you for reading my submission.

Regards,
Sheree waks
136 Louisa Rd
Birchgrove, Nsw 2041

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To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Dom submission, Air BNB run

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 is often hard to find long term people for share accommodation, and Airbnb is helpful for some short term in the meantime. I also enjoy meeting people from around the world.

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

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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.

Regards,
Sheree waks
136 Louisa Rd
Birchgrove, Nsw 2041

From: Sherry Brown <shez39@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Sherry Brown
52 Tank St
Lithgow, Nsw 2790

From: Gordon Clark <Gordon.Clark@shoalhaven.nsw.gov.au>
Sent: Wednesday, 11 September 2019 5:53 PM
To: DPE PS STHL Mailbox
Subject: Draft Submission - Shoalhaven City Council - Short Term Rental Accommodation - Proposed Regulatory Framework
Attachments: Draft STRA Submission - Shoalhaven.pdf
Categories: council submission, Rob submission 3.0, non Air BNB run

As agreed with Douglas Cunningham from the Department, please find attached Council's draft submission on the proposed regulatory framework for short term rental accommodation.

This submission has not yet been reported to the elected Council for consideration and endorsement. This will occur in due course and following this we will forward Councils final submission.

If you have any queries regarding the detail of Councils submission please contact me.

Regards

Gordon Clark
Strategic Planning Manager
Shoalhaven City Council

02 4429 3355 | 0401 447 635
Bridge Rd (PO Box 42) Nowra NSW 2541
gordon.clark@shoalhaven.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION

This message may contain both confidential and privileged information intended only for the addressee named above.
If you have received this email in error, please notify the sender immediately then destroy the original message.

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 1:45 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 13:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Shonda

Last name

Holland

Name withheld

No

Info

Email

shonda@nclp.com.au

Suburb/Town & Postcode

Brunswick Heads 2483

Submission file

[stra-code-of-conduct-and-registration-feedback.pdf](#)

Submission

Please find attached answers for submission.

I agree to the above statement

Yes

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>Byron Shire Council (BSC) are proposing to reduce STRA to 90 days or less shire wide. BSC is required to prepare “a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area”, as per Ministerial Direction 3.7. They are putting forward via this submission process a request to reduce all holiday letting in Byron Shire to 180 days until such time as they prepare the planning proposal referenced above. They have not made any contact with any relevant parties in determining the impact that this will definitely have on the economy of the towns of the Shire. They are only focused on issues that are experienced in the town of Byron Bay, and not on the detrimental tourism & economic impacts on the other towns eg. Brunswick Heads, New Brighton, South Golden Beach, Bangalow, etc..</p> <p>We agree with the restriction not being imposed in the Byron Shire, except if deemed necessary in Byron Bay itself, which leaves the number of lettable days at 365 days per year.</p> <p>Due to council's negative view on STRA as a whole, we have concerns around council's involvement when determining a properties complying development eligibility.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>

Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p> <p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p> <p>Ours, for example, will show how little of a problem the North Byron Shire is experiencing.</p> <p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>
Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>

Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>
Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p> <p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p> <p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p>

<p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>

<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>
<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
<p>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?</p> <p>Not directly. They can refer to the register</p>

	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p> <p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p> <p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

From: Mark Warren <baggygreen27@gmail.com>
Sent: Tuesday, 10 September 2019 9:01 AM
To: DPE PS STHL Mailbox
Subject: Short term accomadation

Categories: recorded and not sent to DCS, recorded in DPIE subs register, Purple category

To whom it may concern

I have been an owner and user of sort term accommodation for many years I believe it to be a great help to the tourism market in regional areas. My concern is the caps looking to be imposed on the host, as this would limit the incomes from their investments it would cause prices to rise I think it vital for the government to remember that a lot of these regional areas don't have enough accommodation to meet demand at peak times. Also I have concerns over the cap of 12 guests per home we run homes in the South coast and blue mountains and the largest groups we have are for family reunion where family groups get together with 3 generation by the time we have grand parents their children and grand children u would hit this cap easily.

I don't want to take these wonderful family get togethers in these beautiful regional areas away they help support the small town economies, I believe there is no one size fits all but I do think any restrictions should only apply to city residents, because the smaller communities really need the tourists to help support their economies.

Regards

Mark Warren

From: Shreya shah <sshah0640@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Shreya shah
236 Blaxland Rd
Ryde, Nsw 2112

From: Sienna Berney <siennaaberney@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
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Thank you for reading my submission.

Regards,
Sienna Berney
7 Ridgeline Ct
Elizabeth Beach, Nsw 2428

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 10:04 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

Categories: Purple category

Submitted on Sun, 01/09/2019 - 10:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Silma

Last name

Ihram

Name withheld

No

Info

Email

silma.ihram@gmail.com

Suburb/Town & Postcode

Lidcombe 2141

Submission

Q.5 - The Secretary should collect financial information on the benefit of STRA including assistance with mortgage repayments, mobile workforce provisions, older persons able to live in their houses longer, single parents able to afford rental.

Q.7 - Complaints process should be clearer and ensure an appropriate appeals process.

Q.8 - Clearer guidelines on representation of the property - e.g. requirements for clean bedding and premises, changes to the property or layout to be updated on the website.

Q. 9 - Inability to participate for 5 years is too long. Should be reduced to 2 years or a maximum of 3 years. Note should be made of complainants that are malicious/vindictive e.g. in a Strata where 1 resident complains about every STRA in the Strata or there has been a history of negative relations between neighbours.

Q.10 - Where the host is overseas and may not be contactable, the notice should be provided to the Property Manager as the customer support services can be handled by external agencies who ensure compliance with the Code. The host should also be given more time to respond, especially if they are travelling overseas.

Q. 12 - Clause 22B(1) should include property management services where cleaning and supervision of the property is provided where the host is not present. Therefore the Code should include those industry participants and should apply to them.

Q. 31 - Information on the register should not be made public to local Councils on an individual basis. This could result in certain areas being seen as STRA hang-outs which may be detrimental to the local area, and to the safety of local residents.

I agree to the above statement

Yes

From: silvana van dijk <people@culturebank.info>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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- 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.

Regards,
silvana van dijk
Pringles Way
, Nsw 2460

From: Silvia Hernandez <silviah@y7mail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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:

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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:

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Thank you for reading my submission.

Regards,
Silvia Hernandez
12 Grey Gum Trail
Murrays Beach, Nsw 2281

From: Silvia Sikler <sisikler@hotmail.com>
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,

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Thank you for reading my submission.

Regards,
Silvia Sikler
5 Old Bangalow Rd
Byron Bay, Nsw 2481

From: Simon Cant <simoncant@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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Thank you for reading my submission.

Regards,
Simon Cant
11 Conjola St
Currarong, Nsw 2540

From: Simon Cook <onetreehill@spin.net.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 my home is quite large, there is a large demand for short-stay visitors interested in sharing our home experience and providing this service supplements our living expenses.

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.

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Thank you for reading my submission.

Regards,
Simon Cook
1 Bellevue St
North Parramatta, Nsw 2151

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 1:32 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 13:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Simon

Last name

Davis

Name withheld

No

Info

Email

simontessa@hotmail.com

Suburb/Town & Postcode

Ballina 2478

Submission

I moved from Byron shire to Ballina shire because of holiday letting near my home in ewingsdale Byron. Reasons being in brief ,my social amenity in this residential suburb was disrupted eg. Noise,cars ,parties, rubbish,no real neighbours just overnight holiday makers.

Holiday lets in residential zones should not be legal and is not legal.If the government wants to persist with this cancer then they should limit the rentable period to 90 days only and preferably not in residential zones.

They should limit it to owners living in the shire not investors And have onsite management.

Many house are unable to be rented to locals and people looking for work as they are made available only for short term rents.

In many cities throughout the world they have seen the folly of short term rentals and are one limiting the numbers available,I said 10 years or more ago this was a cancer and it has been proven so .

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 3:23 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 15:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Simon

Last name

Field

Name withheld

No

Info

Email

smfield@hotmail.com

Suburb/Town & Postcode

Bangalow, 2479

Submission

Your plans need to provide a focus on looking after local residents and communities first, before financial gain and commercial interests.

You have defined zones for a variety of industries such as commercial and industrial business, you must enforce the same around holiday letting. I live in the Byron shire and see first hand the significant negative affect platforms like Air BNB have on our community. They eroded community and local values, it separates neighbors and this is during a time when we all need a sense of community more than ever.

It means children aren't as safe to play outside (parties, drinking, more vehicle movements, noise, increased rubbish from people who have zero connection to the local neighbourhood or knowledge that a child may be out playing). These tourists use all our assets that the rate payers have to fund. Many local towns have volunteer groups who are the heart and soul of the area from doing picking up rubbish to environmental conservation - the more you remove local residents and replace them with tourists, the less volunteers you have and our grate towns and villages will become souless.

If you continue to allow the erosion some of the best parts of Australia will become tourist only towns.

Secondly allowing STHL means housing stock is removed for local residents, and for what gain? so a tourist can come and spend money. Surely you must put local residents and community first, not the tourist dollar. Of course tourism is important but again simply set clear tourist areas and allow residential communitys to flourish - this in turn will make the tourists have a more genuine experience and free up housing for local works, families and residents.

Use your power to define zones and restrict Air BNB and similar from eroding residential communities, ensure tourists pay a bed tax or similar so money is put back into the local council to fund repairs and upgrades as needed. Just because this new business and economy created by Air BnB is so popular doesnt means its right? Personally I have stopped using air BnB and know many who feel similar.

Please please think of hard working residents and families, if you dont reduce this wonderful places like Byron Bay will become tired, worn out and lose the soul and magic that people come for.

Thanks
Simon

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 5:44 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

Categories: Rob submission, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 17:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Simon

Last name

Gill

Name withheld

No

Info

Email

simongill935@gmail.com

Suburb/Town & Postcode

Suffolk Park

Submission

As owners and operators of a small motel in Byron Bay we are strongly opposed to the unregulated short term accommodation situation that exists at present. The proposed "cap criteria " is a series of

regulations which will prove to be entirely unenforceable by either State or Local government. We as a commercial operator are now being penalised and challenged by Airbnb who are not subject to the same regulations and costs. This leaves the local Byron community bearing the brunt of what is now a very dire situation in relation to living and working locally.

Whether the statistics on whole home rentals are only perceived as half accurate the situation regarding the number of whole home rentals available (with no onsite owner/manager) extremely challenging as well as the fact that these properties are only increasing in number and will ultimately prove disastrous for the future of the Byron Shire community.

I agree to the above statement

Yes

From: Simon Groth <simongroth@hotmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Simon Groth
44 North St
North Tamworth, Nsw 2340

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 12:49 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 12:49

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Simon

Last name

Knott

Name withheld

No

Info

Email

knott@b-k-k.com.au

Suburb/Town & Postcode

Bruswick Heads, 2483

Submission

I think its vital that we understand what the problem is that we are trying to solve. In the draft code the reason given for implementing this regulation is around the notion the "amenity impacts on residential neighbours resulting from inconsiderate or anti-social behaviour by some short-term rental occupants". Understanding that this is a real and valid issue for residents, surely policing of properties and adhering to a rental code are the only relevant solutions. It would seem that restricting the available letting days is not. As a property owner and tax payer for nearly 20years in Brunswick Heads we see that restricting the available letting days puts an unfair restriction on our rights, unfairly impacts our property value, and the result will have a negative impact on the viability of local businesses that rely on tourism for their revenue. We understand the need for local by-laws to catch up with the rise in online rental platforms and particularity with regard to undue noise and anti-social behaviour but please don't do this at the expense of other's enjoyment of the area and the viability of local businesses. We do also note that in 20 years of regularly staying in Brunswick Heads and leasing a property we have never once had a complaint or even witnessed an issue with bad or anti-social behaviour.

I agree to the above statement

Yes

From: simon willshire <simonr707@gmail.com>
Sent: Sunday, 8 September 2019 4:10 PM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Dear Minister,

We are the owner / operators of a holiday rental in the Blue Mountains area. We are responding to the request for public / industry submissions concerning the proposed new legislative framework for the short stay industry.

In general, we are supportive of regulations which raise and uphold standards of good corporate conduct and health and safety, so long as they are reasonable, fit for purpose and not cost prohibitive.

As you would know, the Blue Mountains is an area possessing abundant tourist appeal, but it is also a region that is economically depressed. Tourism businesses including short stay providers make an important contribution to NSW regions like the Blue Mountains by making it an attractive location for visitors, who in turn spend their time and money in cafes, restaurants, shops and tourism activities. We also employ local cleaners, gardeners and tradespeople to maintain our property. It's a mutually interdependent economic relationship that is critical to the community.

However, it's not an easy business financially. Blue Mountains City Council rates must be among the highest in the country, our energy costs (gas & electricity) have spiralled out of control over the past five or so years, and the scarcity of local tradespeople makes maintenance very expensive. We have found that tourists are extremely sensitive to any passing on of costs, and we have had to reduce our margins year after year to absorb cost imposts. We already find that our business (which is a very highly rated short stay property in the region) to be financially marginal, and we already find ourselves contemplating the selling the asset.

With this in mind, I would like to submit that our greatest concern is the cost impact of the passing on of all costs associated with the funding of the organisation and resources required to administer and enforce the proposed new regulations. For us, this could trigger our exiting the industry, and we are one of the better players in the short stay industry in Katoomba / Leura. Therefore you can imagine how many others might also exit. As a Liberal / National government, we would fervently hope and trust that the Berejiklian government will remain steadfastly supportive of the needs of small business owners, and that your department will ensure that such costs are contained and that the passing on of those costs is tightly measured. If not, we will exit, and our self funded retirement assets and our personal energy will be invested elsewhere.

On a more specific level, we would offer these additional comments about the proposals:

- The new requirements relating to fire safety are significant and will be costly to implement. They certainly exceed the standards required of regular homes that people occupy in Sydney whether on an owner/ occupier basis or on long term rental basis. This seems quite inconsistent. If they are to proceed with a plan to align short stay property with hotel practices, it must be done with reasonable transitional support. As an aside, with hundreds of holiday houses suddenly installing hallway lighting systems that are synchronised to several smoke alarms, there seems a real risk of a 'pink batts' situation occurring . ie. Short stay owners in inadequately

resourced regions hiring whoever they can get to install electrical stuff in the their roofs... Also, the cost impact of getting to a point of compliance will be tough for most of us. This in turn could lead to people cutting corners. A measured transition plan will definitely be required.

- We feel that the arbitrary guest limit of 2 per bedroom & 12 per property is unreasonable. Our property has five bedrooms and it currently sleeps up to 13, in accordance with the current rental code rules, which we feel are appropriate if the size of rooms, the bed configuration etc. are taken into account.

Thankyou, for considering our comments,

Simon Willshire / Nora Li
Owners- Black Cockatoo Retreat, Leura

From: Simona Stenmark <simonastenmark@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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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.

Regards,
Simona Stenmark
18 Helena St
Lilyfield, Nsw 2040

From: Simone Novello <simone@novellopartners.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 my partner and I have relocated for a few years for his next project and I want to be able to continue enjoying my home by sharing it with guests rather than permanently renting it. It is also providing a vital income source to help me pay all my bills while transitioning into a fully eco career path - and to catch up financially after being a solo mum for most of the last 18 years.

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 currently leading the launch of an eco focussed local host club in the area and have had a very enthusiastic response from local businesses to a host partner program so we can grow the eco tourism market in the Mountains.

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 think it's a particularly wonderful opportunity for single mothers and women over 50 who own property to create vital income sources especially in regional areas and where mainstream employment may not be a viable alternative.

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.

My experience as an Airbnb host has been a very positive one since we started late December 2018. I have found the Airbnb platform a great regulator of good hosting and eco tourism. Thank you for reading my submission.

Regards,
Simone Novello
20 Central St
Wentworth Falls, Nsw 2782

From: Simone Odgers <sim@simal.id.au>
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...

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.

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Thank you for reading my submission.

Regards,
Simone Odgers
71 Francis St
Bondi Beach, Nsw 2026

From: Sineva Hill <sinevahill@gmail.com>
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...

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".

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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.

Regards,
Sineva Hill
14 Coral Vale Drive
Wongawilli, Nsw 2530

11 September 2019

Director, Housing and Infrastructure Policy

NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

To whom it may concern

RE: Short Term Rental Accommodation: Submission from Singleton Council

I refer to the current suite of documents on exhibition for the introduction of a policy framework around the regulation of short term rental accommodation. The Department is currently seeking feedback on the suite of documents until the 11th September 2019. Singleton Council appreciates the opportunity to review and provide feedback to the Department on a significant, currently unregulated, land use type.

Short Term Rental Accommodation is an important aspect of tourist and visitor accommodation in the Singleton Local Government Area. Whilst it is difficult to ascertain the value added to the local economy by STRA, tourism within the Singleton LGA, and by association, visitor accommodation, contributes around \$147 million dollars to the NSW economy and accounts for approximately 738 jobs in the LGA. As such, the development of a robust and transparent planning and regulatory framework that supports the tourism industry and incorporates STRA is critical.

Feedback on the STRA SEPP, Regulation and Safety Standard

To that end, Singleton Council provides in principle support for the suite of documents, in particular:

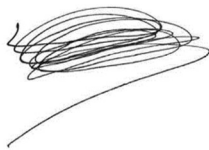
- The proposed adoption of a stand alone State Environmental Planning Policy that enables STRA providers, who are often not conversant in the technical aspects of the development assessment process, to have line of sight to the requirements and obligations for compliance.
- Clarity regarding the standards required for STRA in flood zones.
- Clarity regarding the standards for STRA on bushfire prone land, and in particular, prevention of development of STRA on bushfire prone land with a >BAL40 risk rating.
- Amendment to the Regulations to include clarity around visitor safety requirements, and in particular, fire safety standards.

Whilst Council has not to date nominated different permissibility, and particularly days thresholds, across the LGA, the implementation of the suite of STRA

documents is likely to have an impact on STRA development in the LGA, potentially positively and negatively. As such, Council would seek opportunity to review the implications following an implementation period, and propose adjustments to days thresholds in the future, should this be required.

I would like to thank the Department for the opportunity to provide comment on the suite of documents supporting regulation of the STRA industry. Should you have any questions or comments, please contact Mary-Anne Crawford, Manager Development and Environmental Services on 02 6578 7290.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the right.

Mary-Anne Crawford
Manager Development and Environmental Services

From: Smiths Lake House <smithslakehouse@yahoo.com.au>
Sent: Thursday, 5 September 2019 9:36 AM
To: DPE PS STHL Mailbox
Subject: 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 support the creation of a register of all holiday rental properties listed on a platform and the code of conduct. However, I oppose the smoke alarms requirements - the cost of installing all required smoke alarms and security lightning etc will be unaffordable for many owners and therefore you will deprive many holiday homeowners of income they have come to rely on. Maybe a requirement for normal smoke alarms in all rooms will be much better (to follow the requirements in normal long term rentals).

Kind regards

Homeowners - Smiths Lake House, Smiths Lake

Sent from my iPhone

Enquiries Alex Adkins
Office Cooma
Your Ref STRA Reforms

11 September 2019

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

Dear Sir/Madam

Subject: Short Term Rental Accommodation Reforms

Thank you for the opportunity to comment on the draft short term rental accommodation (STRA) reforms. Council would like to highlight its previous submission and the unique position of our Local Government Area which we consider to be disproportionately impacted by the use of STRA.

Council would specifically like to raise the impact of STRA on the Township of Jindabyne. Jindabyne is located in close proximity to the major NSW ski resorts of Perisher, Thredbo and Charlotte Pass. Jindabyne has a permanent population of approximately 3,000 people which swells to approximately 15,000 in winter.

The township will play a significant role in the implementation of direction 3 of the South East and Tablelands Regional Plan 2036 (Develop the Snowy Mountains into Australia's premier year-round alpine destination). The NSW Government has invested \$2.4million in the preparation of a masterplan for Jindabyne. The 'Go Jindabyne' Masterplan is considering amongst other issues, demographic elements of Jindabyne including STRA impact on the housing market.

Information provided through the Go Jindabyne Masterplan project shows that approximately 30% of all dwellings in Jindabyne are used solely for the purpose of STRA¹, and that the majority of these properties are investment properties owned by people residing in either Sydney or Canberra.

In 2018, data shows that 18,730 people used Airbnb and HomeAway platforms to book short term accommodation in the Snowy River Region, 95% of these were booking entire homes². Of the Jindabyne properties listed on Airbnb 69% are booked for less than 90 days per year and 95% were booked for less than 180 days³.

Below is an extract from the draft City Plan Jindabyne Housing and Demographics report 2019 as a part of the Go Jindabyne Masterplan process which found STRA is having a disproportionate impact on the Jindabyne housing market.

¹ City Plan - Draft Jindabyne Housing and Demographic Study 2019 Section 5.2 pg. 88

² City Plan - Draft Jindabyne Housing and Demographic Study 2019 Section 6.6 pg. 99

³ City Plan - Draft Jindabyne Housing and Demographic Study 2019 Section 4.8.4 pg. 72

“This conclusion reinforces that short-term accommodation comes at the expense of certainty for prospective tenants such as permanent residents, for whom long-term housing may be more difficult to secure, particularly in areas where seasonal rental properties are higher than usual.

The impacts of Airbnb on rental supply in large cities such as Sydney and Melbourne tend to be offset by the significant increase in the construction of dwellings over recent years. However as outlined in the historical dwelling approval data, Jindabyne has seen a relatively minor increase in the number of dwellings being constructed, which is insufficient to offset the high demand for rental properties, in particular during key seasonal periods.”

It should also be noted that STRA investment could be at the expense of investment in tourist and/or visitor accommodation due to a number of elements including cheaper rates, and more lenient fire and disabled access requirements. This could lead to an under provision in tourist and visitor accommodation products which have greater social benefits than STRA.

STRA accommodation makes up 41% of accommodation utilised by domestic visitors to Jindabyne, in comparison hotels make up 32%⁴.

The cost of dwellings in Jindabyne over the past 5-years has increased by approximately \$242,000⁵. This has been due, in part, to the rising investment in properties for the purpose of STRA. As shown in figure 1 below, the median house price in Jindabyne is now not considered affordable to people on a moderate income.

Figure 1 – Dwelling affordability in the Snowy Monaro⁶



As property prices have increased, so have rental prices and increasingly long term rental stock is being taken off the market in preference of STRA. As such, action is required from both Local and State Government, although the ability to only restrict STRA to a minimum

⁴ City Plan - Draft Jindabyne Housing and Demographic Study 2019 Section 4.11 pg. 83

⁵ Snowy Monaro Region Planning and Land use Discussion Paper 2019

⁶ Housing .id – Snowy Monaro Affordability and Availability

of 180 days is not considered adequate. As outlined above, 95% of STRA dwellings were booked for less than 180 days. As was highlighted in Council's earlier submission, regulating the number of 'available days' for STRA does not guarantee that premises would be available for longer-term accommodation in off-peak periods.

I reiterate Council's previous submission which outlined that STRA could be regulated by land zone rather than by the number of available days. This may limit land use conflict in Jindabyne where residents often complain about STRA accommodation being used as 'winter party houses'.

Further, Council is under-resourced to monitor compliance of existing regulations and these proposed reforms will potentially add a significant burden to Council. The transient nature of STRA makes it almost impossible to monitor compliance without the ability to monitor STRA platforms on a 24/7 basis. While the Office of Fair Trading may absorb some of this compliance burden, Council will still be first port of call in the complaints process. The regional nature of our LGA brings concerns that the Office of Fair Trading may not see the Snowy Monaro Region as a priority leaving the compliance burden wholly with Council.

Council supports the changes in the draft reforms relating to flood and bushfire prone land. The changes appear sensible in regards to the dangers posed by bushfire and floodwaters.

Council is supportive of the fire safety standards (FSS) proposed as part of the regulation for STRA however the following points should be considered to improve the effectiveness of the fire safety measures to be included in these dwellings.

- The requirement for the fire safety standards should be referenced in the SEPP so proponents have an understanding of all requirements to undertake STRA.
- There is no regulatory oversight that the additional fire safety requirements set out in the FSS will be installed to the specified standards because (in most cases) it is exempt development.
- There is no ongoing maintenance mechanism to ensure the fire safety provisions installed in these dwellings are being maintained to the standards specified in the FSS. This is based on the premise that some of the buildings referred to can be a class 1A structure.

There should be a clear understanding of what compliance responsibilities sit with which State Government agencies and what compliance burdens sit with Council.

Council holds a number of concerns with the Draft Code of Conduct. The Draft Code of Conduct outlines requirements for booking platforms to advertise STRA properties. The Draft Code of Conduct excludes 'tourist and visitor accommodation' within the meaning prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*. It should be noted a large number of STRA currently in operation in Jindabyne was granted consent as a holiday dwelling under the *Snowy River Local Environmental Plan 1997*.

Many of these holiday dwellings operate with existing use rights and would not comply with proposed STRA regulations as they have more than two beds per bedroom. Holiday dwellings would not be excluded from the code of conduct as they are not defined as 'tourist and visitor accommodation' and as such could be undertaking a lawful use under the *Environmental Planning and Assessment Act 1979* but would be non-compliant with the code of conduct outlined by the draft *Fair Trading Regulation 2019* Amendment.

Snowy Monaro Regional Council holds significant concerns in relation to the draft reforms in their lack of ability to be adapted to the needs and demographics of local areas. A 'one

size fits all' approach is not appropriate to meet the differing community expectations in non-metropolitan areas. Council would like to further reinforce the unique impact STRA has on Jindabyne and would like to see further consideration of this significant issue before these reforms are implemented.

Further discussions may be required between Council and DPIE's Housing Policy and Go Jindabyne Masterplan teams to address these significant concerns.

Should you have any queries regarding this submission please contact Council's Strategic Planning Department on (02) 6455 1907.

Yours faithfully



Peter Bascomb
General Manager

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 11:04 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 11:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sonia

Last name

Laverty

Name withheld

No

Info

Email

sonia.laverty@bigpond.com

Suburb/Town & Postcode

Mullumbimby 2042

Submission

The uncontrolled commercialization of private homes, in residential areas, in the Byron Shire is having an adverse effect. According to Inside Air BnB in the 3 years since 2016 the number of Air BnB

properties, in the Byron Shire, have almost doubled from 1172 to 3306. The effect of this invasion in the residential areas in the Shire is considerable and includes the following:

Opportunities for purchasing a home, by local residents, is reduced because of inflated pricing. Local residents also find it difficult to rent a home when the property rental market is dominated by property investors in Air BnB or similar organisations.

Urban areas have become party zones with behavior more fitting in a commercial zone than in quiet residential areas where families including children and workers are trying to live normal lives.

Many major towns and cities around the world are placing restriction on Air BnB, and similar organisations, but the NSW State Government is lagging behind. We need the NSW Government to Catch Up and place a cap on days allowed for letting where the host is not present. A 90 day cap when the host is not present is the preferred option while ensuring there are no loopholes. Strong and multiple applications of an appropriate definition with emphasis on 'residential' is needed to under pin any new legislation.

.

I agree to the above statement

Yes

From: Sonia Repin <sonia@lovebombdesigns.com.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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
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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.

Regards,
Sonia Repin
82 Bridge St
Uralla, Nsw 2358

From: Sonya Perica <sonyaperica@me.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 feel not only have an income from the services but offer an alternative to travelers to benefit from staying with locals.

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 feel strongly against the government monitoring my every move. As we are already sharing our home. It is somewhat instructive again and again.

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

I would like to ask the government what assets have they made available for sharing with visitors? Especially their own premises???

Generally I support paying Gst on services I provide, 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

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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:

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Thank you for reading my submission.

Regards,
Sonya Perica
25 Munyang St
Jindabyne, Nsw 2627

From: Sophia Fitzgerald <sofi13@hotmail.com>
Sent: Tuesday, 10 September 2019 3:51 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: recorded in DPIE subs register, recorded and not sent to DCS, Purple category

Dear Director, Housing and Infrastructure Policy,

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

I have a business that represents home-owners who wish to host on Airbnb. Airbnb helps these home-owners to pay the mortgage and the bills, and to share their spaces to guests so that they can become part of other communities.

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 the homes of our home-owners.

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:

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- Respect the ancillary use of my home for home sharing
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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.

Regards,
Sophia Fitzgerald
G5/ 431-435 Bourke Street
Surry Hills, Nsw 2010

From: Sophia Kevans <sophia@poetscottage.net>
Sent: Thursday, 5 September 2019 12:21 PM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: recorded and not sent to DCS, Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and the code of conduct. However, I strongly 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.

1. The proposed maximum of 2 guests per bedroom is too restrictive and highly punitive. A couple with a young baby cannot sleep in the same room as their child - this is unfair to the parents and their baby.
2. The requirements to meet bushfire regulations would be financially prohibitive to owners and would force many owners out of the industry. This would have a major impact on towns that rely on tourism. A more sensible option would be that STR's in bushfire areas must clearly disclose this in their advertising and have a bushfire evacuation plan clearly displayed at the property.
3. Why would restrictions be placed on short-term accommodation providers and the same rules not placed on long-term rentals? - particularly with regard to fire safety.
4. We support having an industry that has professional standards and a clear framework in place in order to eliminate unprofessional operators.
5. We hope that the process to add guests to an exclusion register is a straightforward one as currently guests that cause damage or issues at properties often escape punishment due to the protection of booking platforms.
- 6. The restriction of 180 nights on properties in the Blue Mountains would be extremely damaging to tourism in this area and should be abolished.**
7. Property managers should be supported throughout the changeover process by a designated government body including free legal advice on the changes and a specific account manager that we can receive support from.

8. The changes should be supported by significant investment in technology in order to reduce manual processes (e.g. guest exclusion register portal).

Thank you for your consideration of this matter.

Kind regards,

Sophia 

Poet's Cottage - Blue Mountains Tranquility

Mobile: 0477993307 (please SMS for immediate response)

Winner TripAdvisor Award for Excellence - 2019, 2018, 2017

Winner [Booking.com](https://www.booking.com) Guest Review Awards - 2018, 2017

Winner TripAdvisor Top Vacation Rental - 2013

Visit the cottage website: www.poetscottage.net

Follow us on Instagram [#poetscottageaustralia](https://www.instagram.com/poetscottageaustralia)

From: Sophia Robson <sophia.robson@outlook.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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:

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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.

Regards,
Sophia Robson
80 Lennox St
Newtown, Nsw 2042

From: Sophie Donaldson <sophiedonaldson8871@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sophie Donaldson
33 Read St
Bronte, Nsw 2024

From: Sophie Hart <sophie@sophiehart.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sophie Hart
43 Wells St
Redfern, Nsw 2016

From: Sophie Love <sophie@thenakedfarmers.com.au>
Sent: Tuesday, 10 September 2019 12:13 PM
To: DPE PS STHL Mailbox
Cc: Sophie Love
Subject: Holiday rental regulations for NSW

Categories: recorded in DPIE subs register, recorded and not sent to DCS, Purple category

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.

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SOPHIE LOVE

Phone: (02) 6587 4383

sophie@thenakedfarmers.com.au

www.thenakedfarmers.com.au

📷 thenakedfarmersoz 📘 thenakedfarmers

From: Sophie Marshall <sophie79@me.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Sophie Marshall
124 Lakes Blvd
Wooloweyah, Nsw 2464

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 4:47 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 16:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Spencer

Last name

Kirk

Name withheld

No

Info

Email

skirk74@hotmail.com

Suburb/Town & Postcode

Redfern

Submission file

[nsw-gov-stra-reform-submission.docx](#)

Submission

Thank you for reviewing this issue and calling for submissions regarding your proposed reforms. Please find uploaded my response to the proposed reforms. Regards Spencer Kirk.

I agree to the above statement

Yes

From: SPIRO HOUTEAS <spiroh59@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 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.

Regards,
SPIRO HOUTEAS
117 Sandakan Rd
Revesby Heights, Nsw 2212

From: Stacey lynch <stacey_camille@hotmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 want to provide an affordable holiday opportunity for families, it allows me to meet my mortgage repayments and afford to send my children to private schools.

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Thank you for reading my submission.

Regards,
Stacey Lynch
34 Ironbark Dr
Fern Bay, Nsw 2295



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

From: Mr Eacham Curry
Director, Government & Corporate Affairs
Stayz

Date: 11 September 2019

Dear Director,

Submission on NSW Government short-term rental accommodation draft regulatory framework

Thank you for the opportunity to provide our submission to the NSW Government's consultation on the new regulatory framework for short-term rental accommodation. As a leading online marketplace for short-term rental accommodation (STRA) across NSW, Stayz is committed to working closely with the Department of Planning, Industry and Environment (the Department) and wider NSW Government to share our ideas, experience and knowledge. Stayz is a major supporter of tourism across NSW, particularly the regional dispersal of tourists by supplementing accommodation choice and availability and opening up the state's unique destinations. In the 2017-18 financial year 89 per cent of Stayz's booking revenue in NSW was from regional areas that prosper from tourism and where traditional accommodation is often not available. As such, we are dedicated to working collaboratively with the NSW Government on innovative policy and fair regulatory arrangements that maximises the contribution of the STRA sector to local communities that thrive on the visitor economy and ensures amenity issues and other community concerns are addressed.

We support the NSW Government's intent to create a cohesive and integrated system where each component of the regulatory framework works together. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals and desired outcomes and articulates the metrics against which these will be evaluated. We believe several features of the proposed regulatory framework would benefit from further consideration, consultation and refinement.

This submission provides a background to our company, Stayz, and presents our perspective on four of the features of the NSW Government's draft regulatory framework that we believe require further clarification and development, in particular the:

1. Draft planning instruments
2. Draft Code of Conduct for the Short-term Rental Accommodation Industry
3. Proposed industry-led STRA property register
4. Commencement timeframe and 12-month review of regulatory framework

In Appendix A we have summarised our responses to the questions posed in the Discussion Paper. In Appendix B we present recently commissioned data showing the STRA sector's size and economic contribution to NSW and its tourism regions for the 2017-18 financial year.

Our aim through this submission and in our further engagement with the NSW Government is to raise the policy and regulatory issues that require detailed attention and the solutions that we think are best suited to deliver on the Government's policy aims. In doing so, we have sought to provide value to your deliberations and a starting point for our further engagement with the Department and the NSW Government.

Background to Stayz in Australia and NSW

Short-term rental accommodation is a cherished Australian tradition whether for summer holidays at the beach, getaways to the country or exploring a new town. In the past this has been managed directly by property owners themselves or by local agents. Today, with the growth of the sharing-economy and the advent of online platforms – like Stayz – it is easier than ever for property owners to let their properties for a short period of time and for visitors from all walks of life to find affordable and unique accommodation that meets their needs.

Having operated for nearly three decades, Stayz is proud to have helped transform the experience of owning a holiday home, travel and holidaying across NSW. Over this time, our business has also evolved. Stayz first started as a small tourist accommodation company that produced an annual booklet distributed to real estate agents in holiday destinations who would act as property managers for the various properties listed within the booklet. As the internet grew and technology developed, we changed the way we operated and moved online. Thirty years of experience has taught us that living and working in communities and understanding how to provide visitor accommodation responsibly is essential to success. It is also at the heart of how we approach government policy and regulation.

Growing from a small company, facilitating family holidays 30 years ago, Stayz is today Australia's leading online marketplace for short-term rental accommodation with over 50,000 active listings across Australia. The business has grown in response to the opportunity created through strong demand from Australian homeowners and guests from across Australia and around the world.

Stayz provides Australian families with new income streams, unlocks unique accommodation at Australia's best locations, and supports local businesses and communities that thrive on tourism and the visitor economy. These benefits are shared with regional Australian communities, where nearly 85 per cent of our listings are located. There are approximately 21,000 unique Stayz accommodation listings across NSW today, from humble beachside shacks along the South Coast, to cabins in the Snowy Mountains, cottages across the Blue Mountains and The Hunter, and city apartments in Sydney.

Homeowners and tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. In the 2017-2018 financial year alone, homeowners in NSW hosted over 3 million nights of accommodation through STRA platforms generating approximately \$770 million in accommodation revenue for themselves and their families. **Importantly, 89 per cent of Stayz's booking revenue in the state was from regional areas of NSW that prosper from tourism and where traditional accommodation is often not available.**

Stayz is part of the Expedia Group family of brands which gives us strong partnerships across the entire tourism sector – from airlines to tour activities, commercial hotel offerings and traditional bed and breakfasts to family owned holiday homes. We are therefore in a unique position to provide a

holistic perspective and supporting evidence-base on the NSW Government's role in creating the right policy and operating environment for the entire tourism and visitor accommodation industry.

1. Draft planning instruments

Stayz supports the policy aims stated in the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) around supporting STRA's contribution to local economies while managing its impacts, ensuring user safety and clarifying the industry's scope. However, a number of features of the SEPP require further consideration as outlined below.

1.1 Clause 4 Definitions

Time period

In order to create a cohesive and integrated regulatory system the relevant definitions across the various regulatory components must be aligned. Stayz believes a definition of "temporary or short-term period" is required within the SEPP to ensure alignment with the draft Code of Conduct and the holiday rental exception within Residential Tenancy Act 2010. We support the use of the definition contained within Residential Tenancy Act 2010 s8(1)(h) of "not more than 3 months at any one time". This is a commonly accepted definition for STRA across both industry participants and governments.

We note that the proposal to exclude STRA stays for periods of 21 or more consecutive days from applicable day limits (Clauses 12 and 13) creates a separate definitional category related to STRA within the policy framework. Further clarification is sought from the NSW Government as to the need for this exception and outcomes sought.

Premises

The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.

1.2 Clause 7 Relationship with other environmental planning instruments

Regarding (1)¹, we support the need for the SEPP to prevail over other planning instruments impacting STRA. To ensure fairness for homeowners and consistency across the State we believe the STRA Policy (as contained in the SEPP) should also be made to overrule other contrary restrictions related to STRA, including court orders, injunctions or settlement agreements that are currently under consideration or under enforcement. Doing so would reset the operating rules for STRA across NSW in line with the Government's new framework and ensure any restrictions were based on the new and accepted rules.

Regarding (2)², we believe the *State Environmental Planning Policy No 1—Development Standards* should continue to apply to allow for the flexible application of development standards in the Development Application process.

1.3 Clauses 12(1)(b), 13(1)(b) regarding applicable day limits

Stayz believes that any regime that arbitrarily sets a limit on the number of days a home can be rented will unnecessarily diminish the economic benefit that the STRA sector brings to local communities; drive up the cost of holiday accommodation for NSW families and send tourism dollars

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." – Page 5, SEPP

² "The following State environmental planning policies (or provisions) do not apply to the land to which this Policy applies— *State Environmental Planning Policy No 1—Development Standards*." – Page 5, SEPP

to other states. There are more effective regulatory options available to improve neighbourhood amenity, including the Code of Conduct (the Code), without putting the STRA sector in NSW at risk.

Stayz is opposed to the NSW Government's proposed day limits in Greater Sydney and regional areas. The number of days that STRA accommodation can be made available to visitors should as a default be unlimited. Day limits are a blunt instrument that only serve to manipulate the competitiveness of various sectors of the accommodation market.

Day limits create an unnecessary distortion in the holiday accommodation market and restrict one of the STRA sectors key benefits of providing greater accommodation supply during peak periods. The day limit will mean some STRA properties will be available for use in summer months but unable to be rented due to having reached their day limits earlier in the year. This will impact the ability of NSW families to book holidays at short notice during summer months. Tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. Artificial day limits in NSW will not dampen demand and we believe the supply-side day limits will lead to other undesired outcomes that work around the limits and undermine the Government's policy aims.

It remains unclear what issues are addressed or what benefits flow as a result of limiting the number of days a property can be rented. Importantly, such a measure might be perceived to address the three most consistently cited concerns about the STRA industry, namely; housing affordability, availability and the impact on neighbourhood amenity, but the reality is very different. As one of the stakeholders with significant interest in making sure regulation actually delivers the outcomes sought by the government and the community, we seek further consideration of more appropriate regulation that will actually deliver against the desired goals.

Though we oppose day limits, a number of measures should be considered to improve the current day limit policy:

1. A number of NSW councils have nominated for the implementation of day limits in their local area. Though we support the right of local councils to make decisions for their communities we think the Code of Conduct and registers need to first be given adequate time to test their effectiveness in solving amenity and other community concerns related to STRA. We believe that no day limits should be implemented in NSW until these components have been introduced, tested and reviewed. Doing otherwise would undermine the potential of these two important components to contribute to the Government's policy aims and mask their impact during the 12-month review. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. This would lend itself to a staged implementation of the Government's regulatory components as currently proposed which we expand upon further below.
2. Regional councils nominating for reductions in STRA permissibility (to no lower than 180 days) should be required to demonstrate that they've run consultation with community and industry and undertaken a cost-benefit analysis and regulatory impact assessment demonstrating the merits of restricting homeowner's ability to utilise their property for STRA.
3. STRA hosts who are in areas with applicable day limits and who have not had a valid complaint and disciplinary action for 12 months (e.g. a strike through the Code of Conduct) should be allowed to operate without a day limit. Such a policy would incentivise good behaviour across STRA hosts which should form part of any regulatory framework aiming to reduce incidents of poor behaviour.

We seek further clarification from the Government on what it wants to achieve with day limits and how the proposed day limits would be implemented, monitored and enforced.

1.4 Clauses 12(2), 13(2) regarding the 21+ day consecutive stay exemption to applicable day limits

The proposal to not count consecutive stays of 21 days or more towards the day limit is inconsistent with other pieces of legislation for STRA in NSW. As discussed above, Stayz believes a definition of “temporary or short-term period” as it relates to STRA is required within the SEPP to ensure definitional alignment with the Code of Conduct and the holiday rental exception within the Residential Tenancy Act 2010. We would prefer the Government developed a clear definition of STRA which included a length of stay of “not more than 3 months at any one time” and clarify the need for exceptions from this as required. Without the clear articulation of the need for this exemption from day limits we believe it may undermine community support for the broader regulatory framework.

1.5 Exclusion of hosted STRA from applicable day limits

Currently, hosted STRA is exempt from the proposed applicable day limits. Whether a host is present or not at an STRA property does not form a sound basis on which to set regulations. There are too many variables involved in such an approach, such as how much time a host must spend at a property defined as a hosted property and the proximity of the host to the guests’ accommodation. This is an issue that has been tackled by other jurisdictions in Australia and thus far, NSW remains alone in its use of day limits. Stayz does not accept there is a valid evidence base for regulation that discriminates between hosted and unhosted STRA industry participants – they should be treated equally under any regulatory regime applying to the STRA sector.

The amenity and community impacts of a hosted rental can be similar to an unhosted rental. For example, any approach that excludes hosted STRA risks leaving neighbours and communities around such properties without a government-supported recourse for any amenity issues that arise in those situations. This would serve to undermine the aims of the Government in its cohesive regulatory approach. We seek the Government’s reasoning for this approach in regard to applicable day limits and assurance that hosted STRA participants are party to the Code of Conduct, any register and enforcement measures.

If the different treatment of hosted and unhosted STR properties remains, then there are only two possible interpretations of the Governments position:

1. That it does not believe that hosted properties in any way contribute to amenity, affordability or accessibility challenges. This is a different conclusion to other governments around Australia.
2. That it does not believe that the proposed day limits regulatory tool actually addresses the main issues of amenity, affordability or accessibility perceived to be associated with STR and therefore they do not need to be applied to the largest segment of the STRA sector.

1.6 Clause 11(b), 12(1)(c), 13(1)(c) regarding limits to number of persons in bedrooms and dwelling

The number of rooms a house has, or how big it is, should not determine how an STR property is regulated. If the outcome sought is to properly manage amenity, accessibility and affordability, there are more appropriate policy and regulatory responses, including the Code of Conduct. Stayz is against any regulatory approach that discriminates according to house size or style. Regulations should be designed and implemented only to the extent required to deliver the desired outcome.

The proposed limit of 2 persons for each bedroom in an STRA dwelling is unnecessarily restrictive and does not take account of family needs – for example a family with a young child or children who must be in the same bedroom. A regulation limiting the number of people per bedroom becomes superfluous when considered in concert with a well designed and implemented Code of Conduct.

Such a Code ensures punishment for those doing the wrong thing without placing unnecessary limitations on those causing no problems.

The proposed maximum of 12 persons in total for a STRA dwelling is a blunt measure for an industry which is renowned for its range of home sizes and styles on offer. It should be noted that NSW is famous for its larger homes and this is part of the reason homeowners, guests and communities have gained the most benefit from STRA of any Australian jurisdiction. Any limit should be related to the capacity of the dwelling as previously assessed and approved, not artificially set as one size fits all.

Stayz believes that issues related to how a guest uses the property they rent are most efficiently and effectively handled through the Code of Conduct and its related complaint and enforcement mechanisms. Imposing limitations on the number of guests a certain STRA property can host should be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

1.7 Proposed safety requirements applying to dwellings used for STRA

The safety of Stayz guests and hosts is our highest priority. We strictly ensure that all properties on our platform provide not only safe and secure accommodation for guests but also appropriate information regarding local risks and emergency procedures. We believe the introduction of complying development pathways within the SEPP for unhosted STRA on bushfire prone land and flood control lots (Clauses 10, 13 and 14) are reasonable but should be expanded to include hosted STRA. The exclusion of hosted stays will leave a significant part of the industry not covered by these important new rules to the detriment visitor safety. As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to ensure they can assist in case of emergency.

Some of the requirements in the Short-term Rental Accommodation Fire Safety Standard are overly burdensome on NSW homeowners and STRA hosts. In particular the requirement for smoke alarms to be interconnected where there is more than one alarm and the installation of a lighting system in hallways that is activated by the smoke alarm system. Such fire safety requirements are not typically in place for long term residential properties in NSW and should be reconsidered. Imposing such requirements could be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

We note that in May the Australian Building Codes Board (ABCB) completed a project on the National Construction Code and short-term accommodation in apartment buildings.³ The project included a risk analysis phase where a consultant was engaged to analyse the effect of occupant length-of-stay on fire safety risks in apartment buildings. The ABCB reported that no evidence was received to indicate an increased fire safety risk due to STRA in apartment buildings. The Risk Analysis further determined there would be no material change in fire safety risks to a person based on their length of stay in the unit (variable for short-term accommodation).

³ Available here: <https://www.abcb.gov.au/News/2019/05/20/project-outcome-short-term-accommodation-and-use-of-Class-3-and-3-buildings>

2. Draft Code of Conduct for the Short-term Rental Accommodation Industry

Stayz welcomed our involvement in the STRA Advisory Committee and we acknowledge the NSW Government's consultative approach to developing the Code of Conduct for STRA industry participants. We continue to believe that a strong and enforceable Code of Conduct is the most effective way to meet the Government's policy aims around managing amenity issues and other community concerns. We note a number of improvements to the Code, in particular in regard to the removal of hosts' vicarious liability for guests resulting in a strike and in the complaints handling process. Below we raise several features of the draft Code of Conduct that require further consideration and our positions.

2.1 Definitions

Time period

As discussed above (in regard to the SEPP) definitions across various regulatory components must be aligned in order to create a cohesive and integrated regulatory system. We support the definition of STRA in the Code which includes a definition of the period of accommodation to be "not more than 3 months at any one time".

Visitor

Stayz believes the definition of "visitor" in the Code needs further clarification to ensure it is not taken as a subset of "guest". The current definitions may mean visitors (who do not stay overnight at the premises) are included in prescribed guest limits. We seek clarification on this point.

Premises

The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.

2.2 Code administration and funding arrangements

We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local councils.

Importantly, any new cost added to STRA in NSW will ultimately be reflected in the prices that guests pay for their accommodation. As such, only necessary regulatory costs should be imposed on the industry so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. The value and employment contribution of the STRA industry to NSW and its regional economies is presented in Appendix B.

For Stayz, any imposed costs must be set and collected with full knowledge and understanding of the operating environment for homeowners using STRA (given the sub-scale nature of STRA as a standalone business, i.e. low yield, low occupancy, low return on capital). It must be easily administered so that homeowners, for whom STRA is a part-time and marginal activity, are not caught up in a cycle where it becomes too onerous or costly to participate in the sector.

2.3 Rights and obligations of guests

Stayz believes that the obligations imposed on hosts and guests under the Code should be implied terms in all STRA agreements. It is desirable that there be uniformity and reliability in contractual Terms and Conditions so that hosts, guests, neighbours, and other stakeholders are well aware of their rights and obligations. It is desirable to encourage and strengthen the self-regulatory efforts of industry participants under the general law to prevent or resolve thousands of potential disputes and problems at the host-platform and guest-platform level without invoking and overloading the systems and procedures in the new regulatory framework (i.e. the Code and its mechanisms should manage by exception).

2.4 Rights and obligations of hosts

We encourage all our partners to be contactable and responsive to their guests during the duration of the booking. We believe that "Ordinary hours" should be redefined to business hours within the Code. Further, we believe any requirements on an unhosted property partner should also apply to hosted STRA property hosts. If a partner of an unhosted property is required to be available at certain times and in certain ways, then these requirements at a minimum should apply to when and how a host of a hosted property must be available. This is particularly important when it comes to safety issues. As currently drafted, hosted STRA has no definitions around it, other than it's the hosts principle place of residence. There is no guidance on host responsibilities during a stay (e.g. can hosts leave the premises for extended periods of time? Can hosts spend the night elsewhere?). As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to form a sound basis on which to set regulations.

2.5 Imposing fines on misbehaving guests

We have no interest in guests using the Stayz platform who continually cause annoyance and concern to the surrounding communities and neighbourhoods. We had previously advocated for provisions enabling on the spot fines to be imposed on misbehaving guests who usually leave the jurisdiction before proceedings can be instituted. This would serve as a powerful deterrent targeted directly at the parties whose misbehaviour is damaging to the STRA industry. We note the draft Code does not include any provision to fine guests. We believe this should be reconsidered.

3. Proposed industry-led STRA property register

Stayz believes the first step to managing STRA in NSW and implementing the new regulatory framework is through a state-wide, compulsory and simple registration system for all NSW properties listed on a short-term rental accommodation platform. A well-designed STRA property register can collect meaningful sector data and when implemented correctly in other parts of the world has proven to be a low-cost and effective way of informing the development of sensible rules for our growing sector. The approach taken in Portugal has proved successful and could be instructive during the development phase in NSW.

Stayz believes that an 'industry-led' register does not necessarily mean an 'industry-oversighted' one. Stayz endorses a largely industry funded body to adjudicate matters relating to the Code of Conduct and believes industry experience should be harnessed in the development of a register. However, without Government as the end point for its management it is unlikely to achieve broad industry and community support.

Stayz supports the broad intention of the register as outlined in the Discussion Paper. The register could support the integration of the regulatory framework and be critical to:

- Assist NSW Fair Trading to administer the Code of Conduct
- Assist the 12-month review of the STRA regulatory framework.

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administering the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

We are in favour of the sector contributing its fair share but note that regulatory costs will flow to the price paid by STRA guests across NSW. As such, costs must be kept to only those necessary so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. We believe the best funding solution will involve both the NSW Government and industry and be one that is fairly and widely applied to the groups that benefit from STRA in NSW, including local councils.

We believe it is incumbent upon and in the best interests of the STRA sector to have real mechanisms in place to ensure enforcement of the Code of Conduct, including through reporting and response arrangements and the delisting of properties that breach the Code. We seek further clarification from the Government on how the exclusion register is proposed to interact with the STRA property register and online platforms.

4. Commencement and 12-month review of regulatory framework

Commencement

We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government's policy aims.

The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.

We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those with a demonstrable impact in other jurisdictions around the world – to contribute to the Government's policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.

12-month review

We support the Government's commitment to a 12-month review of the regulatory framework and support the scope of the Review as outlined in the Discussion Paper. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals

and desired outcomes and articulates the metrics against which these will be evaluated. Some key questions to be considered include:

- How will the STRA industry's contribution to local economies be measured?
- What are the demonstrated social impacts of STRA that are trying to be managed? How will this be measured in the Review?
- What are the environmental impacts of STRA that the Government is seeking to measure?
- What is the baseline data on which changes in STRA activity over time, including those caused by the new regulatory framework, will be measured?
- How will the Government measure the extent to which the planning instruments, Code of Conduct, strata laws and registration system operate effectively as part of a cohesive regulatory framework?

We seek the commitment of the Government to undertake the Review in a timely and transparent manner and commit to removing or refining components of the regulatory framework found to be unnecessary or failing.

An opportunity for a leading, state-wide approach to regulating short-term rentals in NSW

In December last year the Australian Government's Beyond Tourism 2020 Steering Committee submitted its report on the next long-term national tourism strategy to the year 2030. The Report identified that the sharing economy will be critical in supplementing accommodation supply to meet the future growth demand. Here, a valuable feature of STRA is its potential to act as the catalyst for the development of tourism in regional Australia – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses that thrive on new visitors. STRA doesn't require significant capital investment or government incentive packages to grow regional tourism and benefit regional businesses, communities, homeowners and visitors alike.

STRA will undoubtedly play a vital role in helping achieve the NSW Government's vision for tourism across the state. This consultation presents a valuable opportunity to refine aspects of the Government's STRA Regulatory Framework and is an important step towards implementing a nation leading system that addresses community amenity and maximises the sectors contribution to regional tourism and the prosperity of NSW.

Stayz commits to working with the Department and wider NSW Government to refine and implement the regulatory framework. We welcome the opportunity to discuss our submission and its contents in more detail with you in person at your soonest convenience and assist in other ways as requested. We look forward to hearing from you.

Kind Regards,



Eacham Curry
Director, Government & Corporate Affairs
Stayz

Appendix A

Topic	Question number	Question	Stayz response
Planning instruments	1	What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?	Stayz supports the policy aims stated in the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) around supporting STRA's contribution to local economies while managing its impacts, ensuring user safety and clarifying the industry's scope. However, a number of features of the SEPP require further consideration.
	2	Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?	<p><i>Time period</i></p> <p>In order to create a cohesive and integrated regulatory system the relevant definitions across the various regulatory components must be aligned. Stayz believes a definition of "temporary or short-term period" is required within the SEPP to ensure alignment with the draft Code of Conduct and the holiday rental exception within Residential Tenancy Act 2010. We support the use of the definition contained within Residential Tenancy Act 2010 s8(1)(h) of "not more than 3 months at any one time". This is a commonly accepted definition for STRA across both industry participants and governments.</p> <p>We note that the proposal to exclude STRA stays for periods of 21 or more consecutive days from applicable day limits (Clauses 12 and 13) creates a separate definitional category related to STRA within the policy framework. Further clarification is sought from the NSW Government as to the need for this exception and outcomes sought.</p> <p><i>Premises</i></p> <p>The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.</p>
	3	What are your views on new policy elements relating to days, flood control lots and bushfire prone land?	<p><i>Clauses 12(1)(b), 13(1)(b) regarding applicable day limits</i></p> <p>Stayz believes that any regime that arbitrarily sets a limit on the number of days a home can be rented will unnecessarily diminish the economic benefit that the STRA</p>

sector brings to local communities; drive up the cost of holiday accommodation for NSW families and send tourism dollars to other states. There are more effective regulatory options available to improve neighbourhood amenity, including the Code of Conduct (the Code), without putting the STRA sector in NSW at risk.

Stayz is opposed to the NSW Government's proposed day limits in Greater Sydney and regional areas. The number of days that STRA accommodation can be made available to visitors should as a default be unlimited. Day limits are a blunt instrument that only serve to manipulate the competitiveness of various sectors of the accommodation market.

Day limits create an unnecessary distortion in the holiday accommodation market and restrict one of the STRA sectors key benefits of providing greater accommodation supply during peak periods. The day limit will mean some STRA properties will be available for use in summer months but unable to be rented due to having reached their day limits earlier in the year. This will impact the ability of NSW families to book holidays at short notice during summer months. Tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. Artificial day limits in NSW will not dampen demand and we believe the supply-side day limits will lead to other undesired outcomes that work around the limits and undermine the Government's policy aims.

It remains unclear what issues are addressed or what benefits flow as a result of limiting the number of days a property can be rented. Importantly, such a measure might be perceived to address the three most consistently cited concerns about the STRA industry, namely; housing affordability, availability and the impact on neighbourhood amenity, but the reality is very different. As one of the stakeholders with significant interest in making sure regulation actually delivers the outcomes sought by the government and the community, we seek further consideration of more appropriate regulation that will actually deliver against the desired goals.

Though we oppose day limits, a number of measures should be considered to improve the current day limit policy:

4. A number of NSW councils have nominated for the implementation of day limits in their local area. Though we support the right of local councils to make decisions for their communities we think the Code of Conduct and registers need to first be given adequate time to test their effectiveness in solving amenity and other community concerns related to STRA. We believe that no day limits should be implemented in NSW until these components have been introduced, tested and reviewed. Doing otherwise would undermine the potential of these two important components to contribute to the Government's policy aims and mask their impact during the 12-month review. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. This would lend itself to a staged implementation of the Government's regulatory components as currently proposed which we expand upon further below.
5. Regional councils nominating for reductions in STRA permissibility (to no lower than 180 days) should be required to demonstrate that they've run consultation with community and industry and undertaken a cost-benefit analysis and regulatory impact assessment demonstrating the merits of restricting homeowner's ability to utilise their property for STRA.
6. STRA hosts who are in areas with applicable day limits and who have not had a valid complaint and disciplinary action for 12 months (eg. a strike through the Code of Conduct) should be allowed to operate without a day limit. Such a policy would incentivise good behaviour across STRA hosts which should form part of any regulatory framework aiming to reduce incidents of poor behaviour.

We seek further clarification from the Government on what it wants to achieve with day limits and how the proposed day limits would be implemented, monitored and enforced.

[Clauses 12\(2\), 13\(2\) regarding the 21+ day consecutive stay exemption to applicable day limits](#)

The proposal to not count consecutive stays of 21 days or more towards the day limit is inconsistent with other pieces of legislation for STRA in NSW. As discussed above, Stayz believes a definition of “temporary or short-term period” as it relates to STRA is required within the SEPP to ensure definitional alignment with the Code of Conduct and the holiday rental exception within the Residential Tenancy Act 2010. We would prefer the Government developed a clear definition of STRA which included a length of stay of “not more than 3 months at any one time” and clarify the need for exceptions from this as required. Without the clear articulation of the need for this exemption from day limits we believe it may undermine community support for the broader regulatory framework.

[Exclusion of hosted STRA from applicable day limits](#)

Currently, hosted STRA is exempt from the proposed applicable day limits. Whether a host is present or not at an STRA property does not form a sound basis on which to set regulations. There are too many variables involved in such an approach, such as how much time a host must spend at a property defined as a hosted property and the proximity of the host to the guests’ accommodation. This is an issue that has been tackled by other jurisdictions in Australia and thus far, NSW remains alone in its use of day limits. Stayz does not accept there is a valid evidence base for regulation that discriminates between hosted and unhosted STRA industry participants – they should be treated equally under any regulatory regime applying to the STRA sector.

The amenity and community impacts of a hosted rental can be similar to an unhosted rental. For example, any approach that excludes hosted STRA risks leaving neighbours and communities around such properties without a government-supported recourse for any amenity issues that arise in those situations. This would serve to undermine the aims of the Government in its cohesive regulatory approach. We seek the Government’s reasoning for this approach in regard to applicable day limits and assurance that hosted STRA participants are party to the Code of Conduct, any register and enforcement measures.

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there are only two possible interpretations of the Governments position:

3. That it does not believe that hosted properties in any way contribute to amenity, affordability or accessibility challenges. This is a different conclusion to other governments around Australia.
4. That it does not believe that the proposed day limits regulatory tool actually addresses the main issues of amenity, affordability or accessibility perceived to be associated with STR and therefore they do not need to be applied the largest segment of the STRA sector.

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[Proposed safety requirements applying to dwellings used for STRA](#)

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Code: Industry participants' obligations

		apartment buildings. ⁴ The project included a risk analysis phase where a consultant was engaged to analyse the effect of occupant length-of-stay on fire safety risks in apartment buildings. The ABCB reported that no evidence was received to indicate an increased fire safety risk due to STRA in apartment buildings. The Risk Analysis further determined there would be no material change in fire safety risks to a person based on their length of stay in the unit (variable for short-term accommodation).
4	Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?	Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.
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 information collected should be related to the policy objectives of the Government and take into consideration the privacy requirements of STRA platforms.
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?	<p>Rights and obligations of guests</p> <p>Stay believes that the obligations imposed on hosts and guests under the Code should be implied terms in all STRA agreements. It is desirable that there be uniformity and reliability in contractual Terms and Conditions so that hosts, guests, neighbours, and other stakeholders are well aware of their rights and obligations. It is desirable to encourage and strengthen the self-regulatory efforts of industry participants under the general law to prevent or resolve thousands of potential disputes and problems at the host-platform and guest-platform level without invoking and overloading the systems and procedures in the new regulatory</p>

⁴ Available here: <https://www.abcb.gov.au/News/2019/05/20/project-outcome-short-term-accommodation-and-use-of-Class-3-and-3-buildings>

framework (i.e. the Code and its mechanisms should manage by exception).

Rights and obligations of hosts

We encourage all our partners to be contactable and responsive to their guests during the duration of the booking. We believe that "Ordinary hours" should be redefined to business hours within the Code. Further, we believe any requirements on an unhosted property partner should also apply to hosted STRA property hosts. If a partner of an unhosted property is required to be available at certain times and in certain ways, then these requirements at a minimum should apply to when and how a host of a hosted property must be available. This is particularly important when it comes to safety issues. As currently drafted, hosted STRA has no definitions around it, other than it's the hosts principle place of residence. There is no guidance on host responsibilities during a stay (e.g. can hosts leave the premises for extended periods of time? Can hosts spend the night elsewhere?). As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to form a sound basis on which to set regulations.

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?

There have been substantial improvements in the Code in regard to the management of complaints.

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?

Stayz believes more work is required on defining the circumstances under which a strike is issued. We seek further engagement with the NSW Government on this point.

9 What are potential ways to facilitate industry participants' access to the exclusion register

The best approach will see platform integration to facilitate compliance (eg. restrict bookings via platform). A single register for both exclusion and state-wide compulsory registration is the preferred mechanism.

Code: Penalty notice offences and civil penalties		while limiting potential privacy impacts? What factors should be considered?	We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.
	10	Is the review process clear and sufficient? What other matters (if any) should be considered? Why?	Stayz seeks further engagement with the NSW Government on this.
	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?	Imposing fines on misbehaving guests We have no interest in guests using the Stayz platform who continually cause annoyance and concern to the surrounding communities and neighbourhoods. We had previously advocated for provisions enabling on the spot fines to be imposed on misbehaving guests who usually leave the jurisdiction before proceedings can be instituted. This would serve as a powerful deterrent targeted directly at the parties whose misbehaviour is damaging to the STRA industry. We note the draft Code does not include any provision to fine guests. We believe this should be reconsidered.
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?	Stayz seeks further engagement with the NSW Government on this.

<i>Amendment Regulation: STRA Industry participants excluded from Code of Conduct</i>	13	What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?	Stayz seeks further engagement with the NSW Government on this.
	14	Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?	Stayz seeks further engagement with the NSW Government on this.
	15	What other STRA operators (if any) should be excluded from being covered by the Code? Why?	Stayz seeks further engagement with the NSW Government on this.
<i>Amendment Regulation: Appeals against listing on exclusion register</i>	16	Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?	Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.
<i>Amendment Regulation: Fees and cost recovery</i>	17	Which industry participants should contribute to the cost of administering and enforcing the Code? Why?	<p>Code administration and funding arrangements</p> <p>We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local</p>

councils.

Importantly, any new cost added to STRA in NSW will ultimately be reflected in the prices that guests pay for their accommodation. As such, only necessary regulatory costs should be imposed on the industry so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. The value and employment contribution of the STRA industry to NSW and its regional economies is presented in Appendix B.

For Stayz, any imposed costs must be set and collected with full knowledge and understanding of the operating environment for homeowners using STRA (given the sub-scale nature of STRA as a standalone business, i.e. low yield, low occupancy, low return on capital). It must be easily administered so that homeowners, for whom STRA is a part-time and marginal activity, are not caught up in a cycle where it becomes too onerous or costly to participate in the sector.

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

[Code administration and funding arrangements](#)

We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local councils.

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*Amendment
Regulation:
Penalties*

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

Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.

*Proposed
industry-led
property register*

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

Stayz believes that an 'industry-led' register does not necessarily mean an 'industry-oversighted' one. Stayz endorses a largely industry funded body to adjudicate matters relating to the Code of Conduct and believes industry experience should be harnessed in the development of a register. However, without Government as the end point for its management it is unlikely to achieve broad industry and community support.

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing

and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

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

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

We are in favour of the sector contributing its fair share but note that regulatory costs will flow to the price paid by STRA guests across NSW. As such, costs must be kept to only those necessary so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. We believe the best funding solution will involve both the NSW Government and industry and be one that is fairly and widely applied to the groups that benefit from STRA in NSW, including local councils.

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

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the

		Government on its intended role in the funding, development, implementation and administration of the register.
23	Are there other outcomes a register should deliver?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
24	How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
25	What audit and verification processes would be needed to ensure accuracy of data?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
26	Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
27	What information should the register collect? Why?	<p>The information collected should be related to the policy objectives of the Government and take into consideration the privacy requirements of STRA platforms. The Register is critical to the 12-month regulatory review and should be designed to ensure it collects the required data to evaluate whether the Government's policy goals and desired outcomes are being achieved.</p> <p>We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions</p>

		generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.
28	What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
29	What role should Government play in the registration process or providing information for the register?	Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administering the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.
30	Should any information on the register be made publicly available? If so, what information could be made available and why?	<p>Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.</p> <p>We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.</p>

*Commencement
of regulatory
framework*

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?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
32	Should any information on the register be made publicly available? Why?	Any information made public should take into consideration the privacy requirements of STRA platforms. Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
33	How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.	<p>We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government's policy aims.</p> <p>The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.</p> <p>We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those</p>

		<p>with a demonstrable impact in other jurisdictions around the world – to contribute to the Government’s policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.</p>
34	<p>When should the STRA regulatory framework start? Please provide reasons.</p>	<p>We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government’s policy aims.</p> <p>The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.</p> <p>We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those with a demonstrable impact in other jurisdictions around the world – to contribute to the Government’s policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.</p>

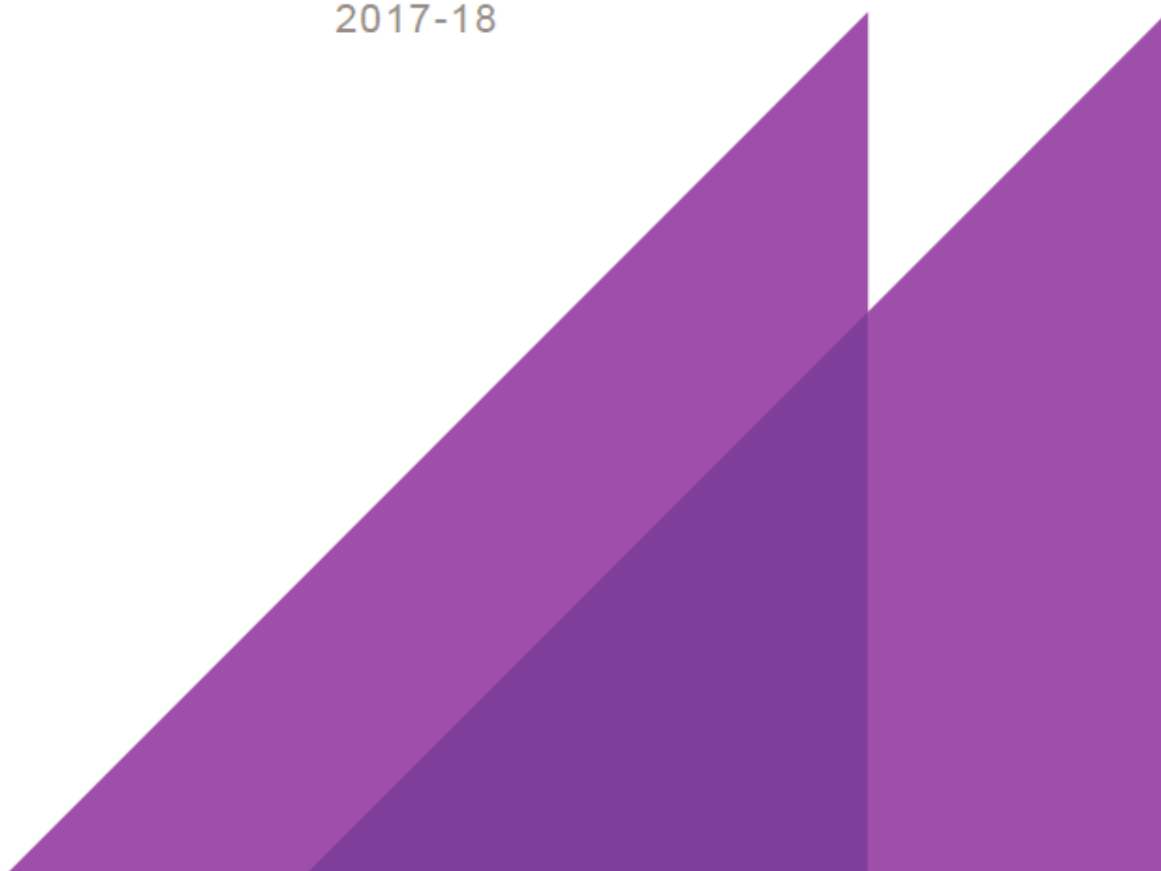
35	Do you support the proposed scope of the review? What additional considerations might be necessary?	<p>We support the Government's commitment to a 12-month review of the regulatory framework and support the scope of the Review as outlined in the Discussion Paper. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals and desired outcomes and articulates the metrics against which these will be evaluated. Some key questions to be considered include:</p> <ul style="list-style-type: none"> • How will the STRA industry's contribution to local economies be measured? • What are the demonstrated social impacts of STRA that are trying to be managed? How will this be measured in the Review? • What are the environmental impacts of STRA that the Government is seeking to measure? • What is the baseline data on which changes in STRA activity over time, including those caused by the new regulatory framework, will be measured? • How will the Government measure the extent to which the planning instruments, Code of Conduct, strata laws and registration system operate effectively as part of a cohesive regulatory framework? <p>We seek the commitment of the Government to undertake the Review in a timely and transparent manner and commit to removing or refining components of the regulatory framework found to be unnecessary or failing.</p>
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?	<p>Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.</p>

REPORT TO
STAYZ PTD LTD
26 APRIL 2019

SHORT-TERM RENTAL ACCOMMODATION SECTOR IN AUSTRALIA



ECONOMIC CONTRIBUTION ANALYSIS,
2017-18

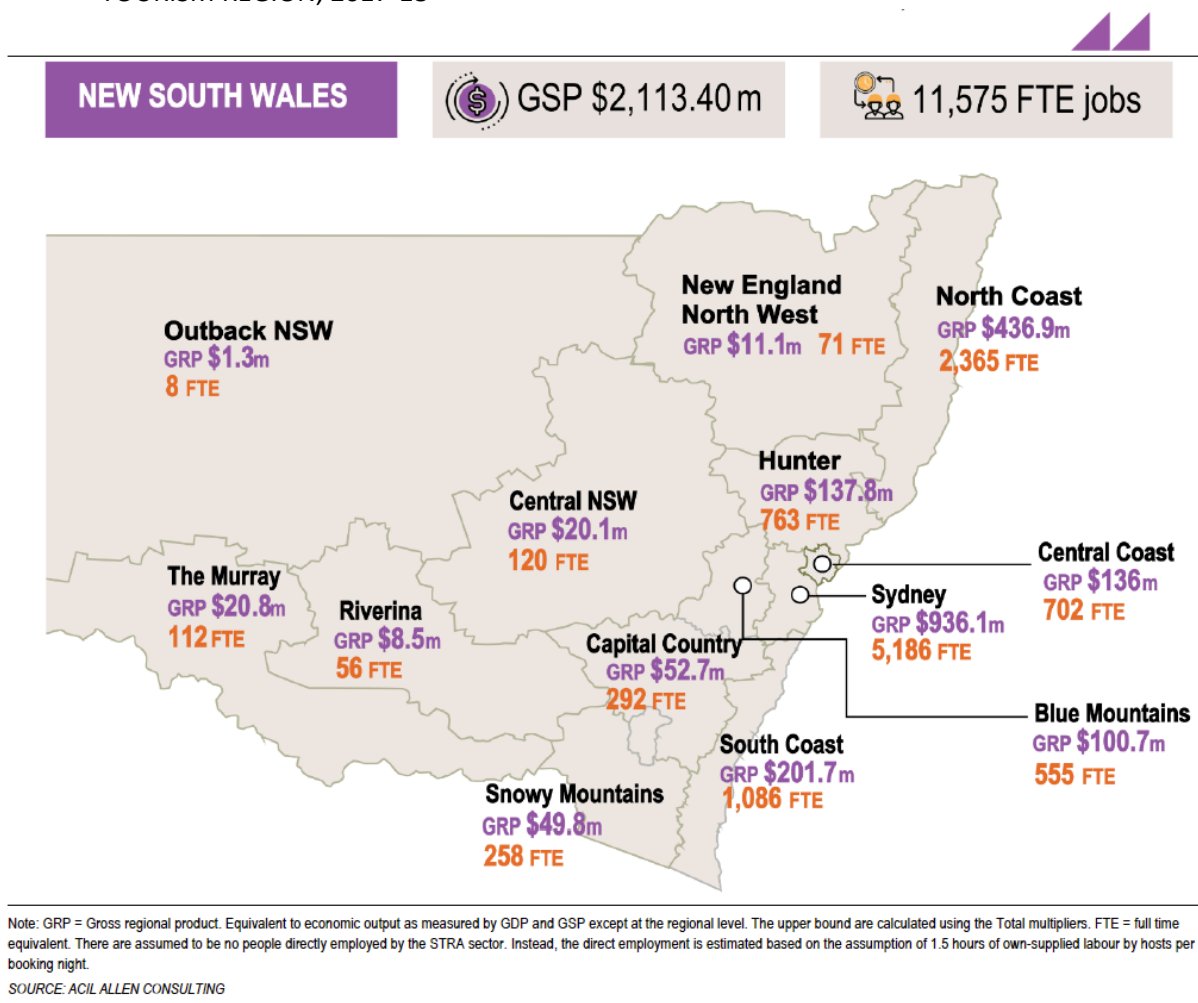


Regional importance – New South Wales

Using detailed data supplied to ACIL Allen by Stayz at the regional level in conjunction with information on Airbnb's activities, this report estimates the regional economic contribution of the STRA sector and compares it to accommodation provided by the traditional accommodation sector in New South Wales.

This section presents the regional economic and employment contribution for the 13 tourism regions in NSW (displayed in **Figure 1**).

FIGURE 1: TOTAL ECONOMIC AND EMPLOYMENT CONTRIBUTION BY NEW SOUTH WALES TOURISM REGION, 2017-18

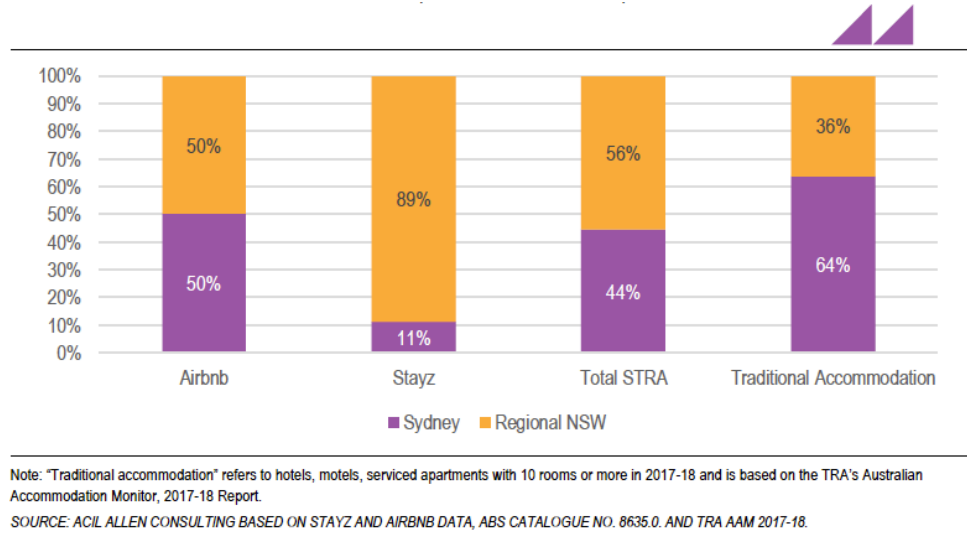


Gross revenue

As shown in **Figure 2**, the two major STRA operators — Stayz and Airbnb — have significantly different revenues from regional New South Wales. In particular, 89 per cent of Stayz's revenues were from regions outside of the Greater Sydney area compared with only 50 per cent of Airbnb's revenues in 2017-18.

In aggregate, of the \$769.3 million gross revenue from New South Wales STRA, 56 per cent is generated from outside the Sydney area and 44 per cent is from the Greater Sydney area in 2017-18. In comparison, 36 per cent of revenues for the traditional accommodation sector are from regional New South Wales.

FIGURE 2: GROSS REVENUE SHARES, NEW SOUTH WALES, 2017-18



Based on the TRA Australian Accommodation Monitor 2017-18, it is estimated that in 2017-18 the traditional accommodation sector provided 24.9 million room nights of accommodation across NSW at a cost of \$5.4 billion. The NSW STRA sector provided 3.0 million room nights of accommodation at a cost of \$769.3 million. Hence, the STRA sector is a substantial provider of accommodation throughout NSW, accounting for approximately 12.0 per cent of the room nights and 14.2 per cent of the revenues as supplied by the traditional accommodation sector (with 10 rooms or more).

TABLE 3: TOTAL ECONOMIC AND EMPLOYMENT CONTRIBUTION BY NSW TOURISM REGION, 2017-18

Region	STRA sector		Traditional accommodation		STRA as a share of traditional accommodation	
	Room nights booked	Revenue	Room nights booked	Revenue	Room nights booked	Revenue
	Number	A\$ million	Number	A\$ million	%	%
Blue Mountains	145,449	28.0	367,758	110.2	39.6	25.4
Capital Country	79,554	18.8	456,027	74.1	17.4	25.4
Central Coast	163,651	53.4	564,903	119.0	29.0	44.9
Central NSW	43,160	7.7	1,132,887	170.7	3.8	4.5
Hunter	206,360	50.5	1,732,179	343.0	11.9	14.7
New England North West	28,732	4.0	739,582	118.4	3.9	3.4
North Coast	623,148	158.6	2,417,526	437.6	25.8	36.3
Outback NSW	3,379	0.4	192,841	24.6	1.8	1.7
Riverina	23,883	3.1	583,212	86.9	4.1	3.5
Snowy Mountains	64,446	20.3	420,688	89.0	15.3	22.8
South Coast	286,530	74.5	1,467,413	278.7	19.5	26.7
The Murray	33,652	8.4	799,856	117.6	4.2	7.1
Sydney	1,344,278	341.6	14,042,531	3,460.8	9.6	9.9
New South Wales	3,046,222	769.3	24,917,404	5,430.7	12.0	14.2

Note: "Traditional accommodation" refers to hotels, motels or serviced apartments with 10 rooms or more.
 SOURCE: ACIL ALLEN CONSULTING

As shown in **Table 3**, the importance of the STRA sector in different regions differs greatly in NSW. Revenues generated through the STRA sector in the Central Coast region of NSW were nearly 45 per cent of those generated by the traditional accommodation providers (\$53.4 million versus \$119 million).

In contrast, there is low penetration of the STRA sector in Outback NSW, with estimated revenues of just \$0.4 million being only 1.7 per cent of the revenues generated by the traditional accommodation providers.

Total economic contribution by New South Wales region

ACIL Allen estimated the direct and indirect economic contribution of the STRA sector to each of the 13 tourism regions of New South Wales. These are provided in Table 4 and Table 5 below.

Regional areas of NSW are estimated to underpin 55 per cent of the economic and employment contribution of the STRA sector's contribution to the state. In absolute terms, the STRA sector made its greatest regional economic contribution to the economies of the North Coast (\$327-\$437 million and supporting up to 2,365 FTE jobs), South Coast (\$152-\$202 million, supporting up to 1,082 FTE jobs), Central Coast (\$105-\$136 million and supporting up to 702 FTE jobs) and Hunter (\$103-\$138 million and supporting up to 763 FTE jobs) regions.

STRA also made a significant contribution to the Sydney economy, contributing between \$702 and \$936 million to GRP and supporting up to 5,186 FTE jobs.

TABLE 4: TOTAL CONTRIBUTION BY NEW SOUTH WALES TOURISM REGION, 2017-18

Region	Direct	Indirect		Total		Total as share of GRP	
		Lower bound	Upper bound	Lower bound	Upper bound	Lower bound	Upper bound
	\$A million	\$A million	\$A million	\$A million	\$A million	% GRP	% GRP
Blue Mountains	22.6	45.2	78.1	67.8	100.7	1.15	1.71
Capital Country	15.2	23.9	37.4	39.1	52.7	0.39	0.53
Central Coast	43.2	62.0	92.8	105.3	136.0	0.58	0.75
Central NSW	6.2	9.3	13.9	15.5	20.1	0.08	0.11
Hunter	40.9	62.3	97.0	103.2	137.8	0.20	0.27
New England North West	3.2	5.0	7.9	8.2	11.1	0.06	0.08
North Coast	128.4	198.2	308.4	326.7	436.9	0.94	1.25
Outback NSW	0.3	0.6	0.9	0.9	1.3	0.03	0.04
Riverina	2.5	3.8	6.0	6.3	8.5	0.06	0.07
Snowy Mountains	16.4	22.4	33.4	38.9	49.8	1.48	1.90
South Coast	60.3	92.0	141.4	152.3	201.7	0.53	0.71
The Murray	6.8	9.5	14.0	16.3	20.8	0.20	0.26
Sydney	276.6	425.0	659.5	701.6	936.1	0.18	0.24
New South Wales	622.8	959.4	1,490.6	1,582.2	2,113.4	0.26	0.35

Note: GRP = Gross regional product. Equivalent to economic output as measured by GDP and GSP except at the regional level. The lower and upper bounds are calculated using the Simple and Total multipliers, respectively. Indirect economic activity due to intrastate and interstate trade has been included in the regional contribution estimates based on their share of underlying activity.

SOURCE: ACIL ALLEN CONSULTING

As a percentage of total economic activity, the provision of accommodation by the STRA sector is particularly important for the Snowy Mountains regional economy contributing an estimated 1.5-1.9 per cent of its GRP. It is also a significant contributor to the economies of the Blue Mountains (1.2–1.7 per cent), the North Coast (0.9–1.3 per cent) and the South Coast (0.5–0.7 per cent).

TABLE 5: NEW SOUTH WALES TOTAL EMPLOYMENT SUPPORTED BY THE STRA SECTOR BY REGION, 2017-18

Region	Direct	Indirect		Total	
	FTE jobs	Lower bound	Upper bound	Lower bound	Upper bound
Region	FTE jobs	FTE jobs	FTE jobs	FTE jobs	FTE jobs
Blue Mountains	126	256	429	382	555
Capital Country	69	147	222	216	292
Central Coast	142	386	560	529	702
Central NSW	38	57	83	95	120
Hunter	179	388	584	568	763
New England North West	25	31	46	56	71
North Coast	542	1,211	1,823	1,753	2,365
Outback NSW	3	3	5	6	8
Riverina	21	23	35	44	56
Snowy Mountains	56	141	202	197	258
South Coast	249	561	837	810	1,086
The Murray	29	59	83	88	112
Sydney	1,169	2,671	4,017	3,840	5,186
New South Wales	2,649	5,934	8,927	8,583	11,575

Notes: FTE = full time equivalent. There are assumed to be no people directly employed by the STRA sector. Instead, the direct employment is estimated based on the assumption of 1.5 hours of own-supplied labour by hosts per booking night.

SOURCE: ACIL ALLEN CONSULTING



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

From: Mr Eacham Curry
Director, Government & Corporate Affairs
Stayz

Date: 11 September 2019

Dear Director,

Submission on NSW Government short-term rental accommodation draft regulatory framework

Thank you for the opportunity to provide our submission to the NSW Government's consultation on the new regulatory framework for short-term rental accommodation. As a leading online marketplace for short-term rental accommodation (STRA) across NSW, Stayz is committed to working closely with the Department of Planning, Industry and Environment (the Department) and wider NSW Government to share our ideas, experience and knowledge. Stayz is a major supporter of tourism across NSW, particularly the regional dispersal of tourists by supplementing accommodation choice and availability and opening up the state's unique destinations. In the 2017-18 financial year 89 per cent of Stayz's booking revenue in NSW was from regional areas that prosper from tourism and where traditional accommodation is often not available. As such, we are dedicated to working collaboratively with the NSW Government on innovative policy and fair regulatory arrangements that maximises the contribution of the STRA sector to local communities that thrive on the visitor economy and ensures amenity issues and other community concerns are addressed.

We support the NSW Government's intent to create a cohesive and integrated system where each component of the regulatory framework works together. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals and desired outcomes and articulates the metrics against which these will be evaluated. We believe several features of the proposed regulatory framework would benefit from further consideration, consultation and refinement.

This submission provides a background to our company, Stayz, and presents our perspective on four of the features of the NSW Government's draft regulatory framework that we believe require further clarification and development, in particular the:

1. Draft planning instruments
2. Draft Code of Conduct for the Short-term Rental Accommodation Industry
3. Proposed industry-led STRA property register
4. Commencement timeframe and 12-month review of regulatory framework

In Appendix A we have summarised our responses to the questions posed in the Discussion Paper. In Appendix B we present recently commissioned data showing the STRA sector's size and economic contribution to NSW and its tourism regions for the 2017-18 financial year.

Our aim through this submission and in our further engagement with the NSW Government is to raise the policy and regulatory issues that require detailed attention and the solutions that we think are best suited to deliver on the Government's policy aims. In doing so, we have sought to provide value to your deliberations and a starting point for our further engagement with the Department and the NSW Government.

Background to Stayz in Australia and NSW

Short-term rental accommodation is a cherished Australian tradition whether for summer holidays at the beach, getaways to the country or exploring a new town. In the past this has been managed directly by property owners themselves or by local agents. Today, with the growth of the sharing-economy and the advent of online platforms – like Stayz – it is easier than ever for property owners to let their properties for a short period of time and for visitors from all walks of life to find affordable and unique accommodation that meets their needs.

Having operated for nearly three decades, Stayz is proud to have helped transform the experience of owning a holiday home, travel and holidaying across NSW. Over this time, our business has also evolved. Stayz first started as a small tourist accommodation company that produced an annual booklet distributed to real estate agents in holiday destinations who would act as property managers for the various properties listed within the booklet. As the internet grew and technology developed, we changed the way we operated and moved online. Thirty years of experience has taught us that living and working in communities and understanding how to provide visitor accommodation responsibly is essential to success. It is also at the heart of how we approach government policy and regulation.

Growing from a small company, facilitating family holidays 30 years ago, Stayz is today Australia's leading online marketplace for short-term rental accommodation with over 50,000 active listings across Australia. The business has grown in response to the opportunity created through strong demand from Australian homeowners and guests from across Australia and around the world.

Stayz provides Australian families with new income streams, unlocks unique accommodation at Australia's best locations, and supports local businesses and communities that thrive on tourism and the visitor economy. These benefits are shared with regional Australian communities, where nearly 85 per cent of our listings are located. There are approximately 21,000 unique Stayz accommodation listings across NSW today, from humble beachside shacks along the South Coast, to cabins in the Snowy Mountains, cottages across the Blue Mountains and The Hunter, and city apartments in Sydney.

Homeowners and tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. In the 2017-2018 financial year alone, homeowners in NSW hosted over 3 million nights of accommodation through STRA platforms generating approximately \$770 million in accommodation revenue for themselves and their families. **Importantly, 89 per cent of Stayz's booking revenue in the state was from regional areas of NSW that prosper from tourism and where traditional accommodation is often not available.**

Stayz is part of the Expedia Group family of brands which gives us strong partnerships across the entire tourism sector – from airlines to tour activities, commercial hotel offerings and traditional bed and breakfasts to family owned holiday homes. We are therefore in a unique position to provide a

holistic perspective and supporting evidence-base on the NSW Government's role in creating the right policy and operating environment for the entire tourism and visitor accommodation industry.

1. Draft planning instruments

Stayz supports the policy aims stated in the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) around supporting STRA's contribution to local economies while managing its impacts, ensuring user safety and clarifying the industry's scope. However, a number of features of the SEPP require further consideration as outlined below.

1.1 Clause 4 Definitions

Time period

In order to create a cohesive and integrated regulatory system the relevant definitions across the various regulatory components must be aligned. Stayz believes a definition of "temporary or short-term period" is required within the SEPP to ensure alignment with the draft Code of Conduct and the holiday rental exception within Residential Tenancy Act 2010. We support the use of the definition contained within Residential Tenancy Act 2010 s8(1)(h) of "not more than 3 months at any one time". This is a commonly accepted definition for STRA across both industry participants and governments.

We note that the proposal to exclude STRA stays for periods of 21 or more consecutive days from applicable day limits (Clauses 12 and 13) creates a separate definitional category related to STRA within the policy framework. Further clarification is sought from the NSW Government as to the need for this exception and outcomes sought.

Premises

The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.

1.2 Clause 7 Relationship with other environmental planning instruments

Regarding (1)¹, we support the need for the SEPP to prevail over other planning instruments impacting STRA. To ensure fairness for homeowners and consistency across the State we believe the STRA Policy (as contained in the SEPP) should also be made to overrule other contrary restrictions related to STRA, including court orders, injunctions or settlement agreements that are currently under consideration or under enforcement. Doing so would reset the operating rules for STRA across NSW in line with the Government's new framework and ensure any restrictions were based on the new and accepted rules.

Regarding (2)², we believe the *State Environmental Planning Policy No 1—Development Standards* should continue to apply to allow for the flexible application of development standards in the Development Application process.

1.3 Clauses 12(1)(b), 13(1)(b) regarding applicable day limits

Stayz believes that any regime that arbitrarily sets a limit on the number of days a home can be rented will unnecessarily diminish the economic benefit that the STRA sector brings to local communities; drive up the cost of holiday accommodation for NSW families and send tourism dollars

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." – Page 5, SEPP

² "The following State environmental planning policies (or provisions) do not apply to the land to which this Policy applies— *State Environmental Planning Policy No 1—Development Standards*." – Page 5, SEPP

to other states. There are more effective regulatory options available to improve neighbourhood amenity, including the Code of Conduct (the Code), without putting the STRA sector in NSW at risk.

Stayz is opposed to the NSW Government's proposed day limits in Greater Sydney and regional areas. The number of days that STRA accommodation can be made available to visitors should as a default be unlimited. Day limits are a blunt instrument that only serve to manipulate the competitiveness of various sectors of the accommodation market.

Day limits create an unnecessary distortion in the holiday accommodation market and restrict one of the STRA sectors key benefits of providing greater accommodation supply during peak periods. The day limit will mean some STRA properties will be available for use in summer months but unable to be rented due to having reached their day limits earlier in the year. This will impact the ability of NSW families to book holidays at short notice during summer months. Tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. Artificial day limits in NSW will not dampen demand and we believe the supply-side day limits will lead to other undesired outcomes that work around the limits and undermine the Government's policy aims.

It remains unclear what issues are addressed or what benefits flow as a result of limiting the number of days a property can be rented. Importantly, such a measure might be perceived to address the three most consistently cited concerns about the STRA industry, namely; housing affordability, availability and the impact on neighbourhood amenity, but the reality is very different. As one of the stakeholders with significant interest in making sure regulation actually delivers the outcomes sought by the government and the community, we seek further consideration of more appropriate regulation that will actually deliver against the desired goals.

Though we oppose day limits, a number of measures should be considered to improve the current day limit policy:

1. A number of NSW councils have nominated for the implementation of day limits in their local area. Though we support the right of local councils to make decisions for their communities we think the Code of Conduct and registers need to first be given adequate time to test their effectiveness in solving amenity and other community concerns related to STRA. We believe that no day limits should be implemented in NSW until these components have been introduced, tested and reviewed. Doing otherwise would undermine the potential of these two important components to contribute to the Government's policy aims and mask their impact during the 12-month review. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. This would lend itself to a staged implementation of the Government's regulatory components as currently proposed which we expand upon further below.
2. Regional councils nominating for reductions in STRA permissibility (to no lower than 180 days) should be required to demonstrate that they've run consultation with community and industry and undertaken a cost-benefit analysis and regulatory impact assessment demonstrating the merits of restricting homeowner's ability to utilise their property for STRA.
3. STRA hosts who are in areas with applicable day limits and who have not had a valid complaint and disciplinary action for 12 months (e.g. a strike through the Code of Conduct) should be allowed to operate without a day limit. Such a policy would incentivise good behaviour across STRA hosts which should form part of any regulatory framework aiming to reduce incidents of poor behaviour.

We seek further clarification from the Government on what it wants to achieve with day limits and how the proposed day limits would be implemented, monitored and enforced.

1.4 Clauses 12(2), 13(2) regarding the 21+ day consecutive stay exemption to applicable day limits

The proposal to not count consecutive stays of 21 days or more towards the day limit is inconsistent with other pieces of legislation for STRA in NSW. As discussed above, Stayz believes a definition of “temporary or short-term period” as it relates to STRA is required within the SEPP to ensure definitional alignment with the Code of Conduct and the holiday rental exception within the Residential Tenancy Act 2010. We would prefer the Government developed a clear definition of STRA which included a length of stay of “not more than 3 months at any one time” and clarify the need for exceptions from this as required. Without the clear articulation of the need for this exemption from day limits we believe it may undermine community support for the broader regulatory framework.

1.5 Exclusion of hosted STRA from applicable day limits

Currently, hosted STRA is exempt from the proposed applicable day limits. Whether a host is present or not at an STRA property does not form a sound basis on which to set regulations. There are too many variables involved in such an approach, such as how much time a host must spend at a property defined as a hosted property and the proximity of the host to the guests’ accommodation. This is an issue that has been tackled by other jurisdictions in Australia and thus far, NSW remains alone in its use of day limits. Stayz does not accept there is a valid evidence base for regulation that discriminates between hosted and unhosted STRA industry participants – they should be treated equally under any regulatory regime applying to the STRA sector.

The amenity and community impacts of a hosted rental can be similar to an unhosted rental. For example, any approach that excludes hosted STRA risks leaving neighbours and communities around such properties without a government-supported recourse for any amenity issues that arise in those situations. This would serve to undermine the aims of the Government in its cohesive regulatory approach. We seek the Government’s reasoning for this approach in regard to applicable day limits and assurance that hosted STRA participants are party to the Code of Conduct, any register and enforcement measures.

If the different treatment of hosted and unhosted STR properties remains, then there are only two possible interpretations of the Governments position:

1. That it does not believe that hosted properties in any way contribute to amenity, affordability or accessibility challenges. This is a different conclusion to other governments around Australia.
2. That it does not believe that the proposed day limits regulatory tool actually addresses the main issues of amenity, affordability or accessibility perceived to be associated with STR and therefore they do not need to be applied to the largest segment of the STRA sector.

1.6 Clause 11(b), 12(1)(c), 13(1)(c) regarding limits to number of persons in bedrooms and dwelling

The number of rooms a house has, or how big it is, should not determine how an STR property is regulated. If the outcome sought is to properly manage amenity, accessibility and affordability, there are more appropriate policy and regulatory responses, including the Code of Conduct. Stayz is against any regulatory approach that discriminates according to house size or style. Regulations should be designed and implemented only to the extent required to deliver the desired outcome.

The proposed limit of 2 persons for each bedroom in an STRA dwelling is unnecessarily restrictive and does not take account of family needs – for example a family with a young child or children who must be in the same bedroom. A regulation limiting the number of people per bedroom becomes superfluous when considered in concert with a well designed and implemented Code of Conduct.

Such a Code ensures punishment for those doing the wrong thing without placing unnecessary limitations on those causing no problems.

The proposed maximum of 12 persons in total for a STRA dwelling is a blunt measure for an industry which is renowned for its range of home sizes and styles on offer. It should be noted that NSW is famous for its larger homes and this is part of the reason homeowners, guests and communities have gained the most benefit from STRA of any Australian jurisdiction. Any limit should be related to the capacity of the dwelling as previously assessed and approved, not artificially set as one size fits all.

Stayz believes that issues related to how a guest uses the property they rent are most efficiently and effectively handled through the Code of Conduct and its related complaint and enforcement mechanisms. Imposing limitations on the number of guests a certain STRA property can host should be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

1.7 Proposed safety requirements applying to dwellings used for STRA

The safety of Stayz guests and hosts is our highest priority. We strictly ensure that all properties on our platform provide not only safe and secure accommodation for guests but also appropriate information regarding local risks and emergency procedures. We believe the introduction of complying development pathways within the SEPP for unhosted STRA on bushfire prone land and flood control lots (Clauses 10, 13 and 14) are reasonable but should be expanded to include hosted STRA. The exclusion of hosted stays will leave a significant part of the industry not covered by these important new rules to the detriment visitor safety. As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to ensure they can assist in case of emergency.

Some of the requirements in the Short-term Rental Accommodation Fire Safety Standard are overly burdensome on NSW homeowners and STRA hosts. In particular the requirement for smoke alarms to be interconnected where there is more than one alarm and the installation of a lighting system in hallways that is activated by the smoke alarm system. Such fire safety requirements are not typically in place for long term residential properties in NSW and should be reconsidered. Imposing such requirements could be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

We note that in May the Australian Building Codes Board (ABCB) completed a project on the National Construction Code and short-term accommodation in apartment buildings.³ The project included a risk analysis phase where a consultant was engaged to analyse the effect of occupant length-of-stay on fire safety risks in apartment buildings. The ABCB reported that no evidence was received to indicate an increased fire safety risk due to STRA in apartment buildings. The Risk Analysis further determined there would be no material change in fire safety risks to a person based on their length of stay in the unit (variable for short-term accommodation).

³ Available here: <https://www.abcb.gov.au/News/2019/05/20/project-outcome-short-term-accommodation-and-use-of-Class-3-and-3-buildings>

2. Draft Code of Conduct for the Short-term Rental Accommodation Industry

Stayz welcomed our involvement in the STRA Advisory Committee and we acknowledge the NSW Government's consultative approach to developing the Code of Conduct for STRA industry participants. We continue to believe that a strong and enforceable Code of Conduct is the most effective way to meet the Government's policy aims around managing amenity issues and other community concerns. We note a number of improvements to the Code, in particular in regard to the removal of hosts' vicarious liability for guests resulting in a strike and in the complaints handling process. Below we raise several features of the draft Code of Conduct that require further consideration and our positions.

2.1 Definitions

Time period

As discussed above (in regard to the SEPP) definitions across various regulatory components must be aligned in order to create a cohesive and integrated regulatory system. We support the definition of STRA in the Code which includes a definition of the period of accommodation to be "not more than 3 months at any one time".

Visitor

Stayz believes the definition of "visitor" in the Code needs further clarification to ensure it is not taken as a subset of "guest". The current definitions may mean visitors (who do not stay overnight at the premises) are included in prescribed guest limits. We seek clarification on this point.

Premises

The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.

2.2 Code administration and funding arrangements

We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local councils.

Importantly, any new cost added to STRA in NSW will ultimately be reflected in the prices that guests pay for their accommodation. As such, only necessary regulatory costs should be imposed on the industry so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. The value and employment contribution of the STRA industry to NSW and its regional economies is presented in Appendix B.

For Stayz, any imposed costs must be set and collected with full knowledge and understanding of the operating environment for homeowners using STRA (given the sub-scale nature of STRA as a standalone business, i.e. low yield, low occupancy, low return on capital). It must be easily administered so that homeowners, for whom STRA is a part-time and marginal activity, are not caught up in a cycle where it becomes too onerous or costly to participate in the sector.

2.3 Rights and obligations of guests

Stayz believes that the obligations imposed on hosts and guests under the Code should be implied terms in all STRA agreements. It is desirable that there be uniformity and reliability in contractual Terms and Conditions so that hosts, guests, neighbours, and other stakeholders are well aware of their rights and obligations. It is desirable to encourage and strengthen the self-regulatory efforts of industry participants under the general law to prevent or resolve thousands of potential disputes and problems at the host-platform and guest-platform level without invoking and overloading the systems and procedures in the new regulatory framework (i.e. the Code and its mechanisms should manage by exception).

2.4 Rights and obligations of hosts

We encourage all our partners to be contactable and responsive to their guests during the duration of the booking. We believe that "Ordinary hours" should be redefined to business hours within the Code. Further, we believe any requirements on an unhosted property partner should also apply to hosted STRA property hosts. If a partner of an unhosted property is required to be available at certain times and in certain ways, then these requirements at a minimum should apply to when and how a host of a hosted property must be available. This is particularly important when it comes to safety issues. As currently drafted, hosted STRA has no definitions around it, other than it's the hosts principle place of residence. There is no guidance on host responsibilities during a stay (e.g. can hosts leave the premises for extended periods of time? Can hosts spend the night elsewhere?). As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to form a sound basis on which to set regulations.

2.5 Imposing fines on misbehaving guests

We have no interest in guests using the Stayz platform who continually cause annoyance and concern to the surrounding communities and neighbourhoods. We had previously advocated for provisions enabling on the spot fines to be imposed on misbehaving guests who usually leave the jurisdiction before proceedings can be instituted. This would serve as a powerful deterrent targeted directly at the parties whose misbehaviour is damaging to the STRA industry. We note the draft Code does not include any provision to fine guests. We believe this should be reconsidered.

3. Proposed industry-led STRA property register

Stayz believes the first step to managing STRA in NSW and implementing the new regulatory framework is through a state-wide, compulsory and simple registration system for all NSW properties listed on a short-term rental accommodation platform. A well-designed STRA property register can collect meaningful sector data and when implemented correctly in other parts of the world has proven to be a low-cost and effective way of informing the development of sensible rules for our growing sector. The approach taken in Portugal has proved successful and could be instructive during the development phase in NSW.

Stayz believes that an 'industry-led' register does not necessarily mean an 'industry-oversighted' one. Stayz endorses a largely industry funded body to adjudicate matters relating to the Code of Conduct and believes industry experience should be harnessed in the development of a register. However, without Government as the end point for its management it is unlikely to achieve broad industry and community support.

Stayz supports the broad intention of the register as outlined in the Discussion Paper. The register could support the integration of the regulatory framework and be critical to:

- Assist NSW Fair Trading to administer the Code of Conduct
- Assist the 12-month review of the STRA regulatory framework.

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administering the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

We are in favour of the sector contributing its fair share but note that regulatory costs will flow to the price paid by STRA guests across NSW. As such, costs must be kept to only those necessary so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. We believe the best funding solution will involve both the NSW Government and industry and be one that is fairly and widely applied to the groups that benefit from STRA in NSW, including local councils.

We believe it is incumbent upon and in the best interests of the STRA sector to have real mechanisms in place to ensure enforcement of the Code of Conduct, including through reporting and response arrangements and the delisting of properties that breach the Code. We seek further clarification from the Government on how the exclusion register is proposed to interact with the STRA property register and online platforms.

4. Commencement and 12-month review of regulatory framework

Commencement

We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government's policy aims.

The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.

We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those with a demonstrable impact in other jurisdictions around the world – to contribute to the Government's policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.

12-month review

We support the Government's commitment to a 12-month review of the regulatory framework and support the scope of the Review as outlined in the Discussion Paper. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals

and desired outcomes and articulates the metrics against which these will be evaluated. Some key questions to be considered include:

- How will the STRA industry's contribution to local economies be measured?
- What are the demonstrated social impacts of STRA that are trying to be managed? How will this be measured in the Review?
- What are the environmental impacts of STRA that the Government is seeking to measure?
- What is the baseline data on which changes in STRA activity over time, including those caused by the new regulatory framework, will be measured?
- How will the Government measure the extent to which the planning instruments, Code of Conduct, strata laws and registration system operate effectively as part of a cohesive regulatory framework?

We seek the commitment of the Government to undertake the Review in a timely and transparent manner and commit to removing or refining components of the regulatory framework found to be unnecessary or failing.

An opportunity for a leading, state-wide approach to regulating short-term rentals in NSW

In December last year the Australian Government's Beyond Tourism 2020 Steering Committee submitted its report on the next long-term national tourism strategy to the year 2030. The Report identified that the sharing economy will be critical in supplementing accommodation supply to meet the future growth demand. Here, a valuable feature of STRA is its potential to act as the catalyst for the development of tourism in regional Australia – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses that thrive on new visitors. STRA doesn't require significant capital investment or government incentive packages to grow regional tourism and benefit regional businesses, communities, homeowners and visitors alike.

STRA will undoubtedly play a vital role in helping achieve the NSW Government's vision for tourism across the state. This consultation presents a valuable opportunity to refine aspects of the Government's STRA Regulatory Framework and is an important step towards implementing a nation leading system that addresses community amenity and maximises the sectors contribution to regional tourism and the prosperity of NSW.

Stayz commits to working with the Department and wider NSW Government to refine and implement the regulatory framework. We welcome the opportunity to discuss our submission and its contents in more detail with you in person at your soonest convenience and assist in other ways as requested. We look forward to hearing from you.

Kind Regards,



Eacham Curry
Director, Government & Corporate Affairs
Stayz

Appendix A

Topic	Question number	Question	Stayz response
Planning instruments	1	What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?	Stayz supports the policy aims stated in the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (SEPP) around supporting STRA's contribution to local economies while managing its impacts, ensuring user safety and clarifying the industry's scope. However, a number of features of the SEPP require further consideration.
	2	Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?	<p><i>Time period</i></p> <p>In order to create a cohesive and integrated regulatory system the relevant definitions across the various regulatory components must be aligned. Stayz believes a definition of "temporary or short-term period" is required within the SEPP to ensure alignment with the draft Code of Conduct and the holiday rental exception within Residential Tenancy Act 2010. We support the use of the definition contained within Residential Tenancy Act 2010 s8(1)(h) of "not more than 3 months at any one time". This is a commonly accepted definition for STRA across both industry participants and governments.</p> <p>We note that the proposal to exclude STRA stays for periods of 21 or more consecutive days from applicable day limits (Clauses 12 and 13) creates a separate definitional category related to STRA within the policy framework. Further clarification is sought from the NSW Government as to the need for this exception and outcomes sought.</p> <p><i>Premises</i></p> <p>The draft Code of Conduct defines "short term rental accommodation premises" in a different way to the SEPP – this should be resolved.</p>
	3	What are your views on new policy elements relating to days, flood control lots and bushfire prone land?	<p><i>Clauses 12(1)(b), 13(1)(b) regarding applicable day limits</i></p> <p>Stayz believes that any regime that arbitrarily sets a limit on the number of days a home can be rented will unnecessarily diminish the economic benefit that the STRA</p>

sector brings to local communities; drive up the cost of holiday accommodation for NSW families and send tourism dollars to other states. There are more effective regulatory options available to improve neighbourhood amenity, including the Code of Conduct (the Code), without putting the STRA sector in NSW at risk.

Stayz is opposed to the NSW Government's proposed day limits in Greater Sydney and regional areas. The number of days that STRA accommodation can be made available to visitors should as a default be unlimited. Day limits are a blunt instrument that only serve to manipulate the competitiveness of various sectors of the accommodation market.

Day limits create an unnecessary distortion in the holiday accommodation market and restrict one of the STRA sectors key benefits of providing greater accommodation supply during peak periods. The day limit will mean some STRA properties will be available for use in summer months but unable to be rented due to having reached their day limits earlier in the year. This will impact the ability of NSW families to book holidays at short notice during summer months. Tourists from across NSW, Australia and the world are embracing the online model of visitor accommodation. Artificial day limits in NSW will not dampen demand and we believe the supply-side day limits will lead to other undesired outcomes that work around the limits and undermine the Government's policy aims.

It remains unclear what issues are addressed or what benefits flow as a result of limiting the number of days a property can be rented. Importantly, such a measure might be perceived to address the three most consistently cited concerns about the STRA industry, namely; housing affordability, availability and the impact on neighbourhood amenity, but the reality is very different. As one of the stakeholders with significant interest in making sure regulation actually delivers the outcomes sought by the government and the community, we seek further consideration of more appropriate regulation that will actually deliver against the desired goals.

Though we oppose day limits, a number of measures should be considered to improve the current day limit policy:

4. A number of NSW councils have nominated for the implementation of day limits in their local area. Though we support the right of local councils to make decisions for their communities we think the Code of Conduct and registers need to first be given adequate time to test their effectiveness in solving amenity and other community concerns related to STRA. We believe that no day limits should be implemented in NSW until these components have been introduced, tested and reviewed. Doing otherwise would undermine the potential of these two important components to contribute to the Government's policy aims and mask their impact during the 12-month review. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. This would lend itself to a staged implementation of the Government's regulatory components as currently proposed which we expand upon further below.
5. Regional councils nominating for reductions in STRA permissibility (to no lower than 180 days) should be required to demonstrate that they've run consultation with community and industry and undertaken a cost-benefit analysis and regulatory impact assessment demonstrating the merits of restricting homeowner's ability to utilise their property for STRA.
6. STRA hosts who are in areas with applicable day limits and who have not had a valid complaint and disciplinary action for 12 months (eg. a strike through the Code of Conduct) should be allowed to operate without a day limit. Such a policy would incentivise good behaviour across STRA hosts which should form part of any regulatory framework aiming to reduce incidents of poor behaviour.

We seek further clarification from the Government on what it wants to achieve with day limits and how the proposed day limits would be implemented, monitored and enforced.

[Clauses 12\(2\), 13\(2\) regarding the 21+ day consecutive stay exemption to applicable day limits](#)

The proposal to not count consecutive stays of 21 days or more towards the day limit is inconsistent with other pieces of legislation for STRA in NSW. As discussed above, Stayz believes a definition of “temporary or short-term period” as it relates to STRA is required within the SEPP to ensure definitional alignment with the Code of Conduct and the holiday rental exception within the Residential Tenancy Act 2010. We would prefer the Government developed a clear definition of STRA which included a length of stay of “not more than 3 months at any one time” and clarify the need for exceptions from this as required. Without the clear articulation of the need for this exemption from day limits we believe it may undermine community support for the broader regulatory framework.

[Exclusion of hosted STRA from applicable day limits](#)

Currently, hosted STRA is exempt from the proposed applicable day limits. Whether a host is present or not at an STRA property does not form a sound basis on which to set regulations. There are too many variables involved in such an approach, such as how much time a host must spend at a property defined as a hosted property and the proximity of the host to the guests’ accommodation. This is an issue that has been tackled by other jurisdictions in Australia and thus far, NSW remains alone in its use of day limits. Stayz does not accept there is a valid evidence base for regulation that discriminates between hosted and unhosted STRA industry participants – they should be treated equally under any regulatory regime applying to the STRA sector.

The amenity and community impacts of a hosted rental can be similar to an unhosted rental. For example, any approach that excludes hosted STRA risks leaving neighbours and communities around such properties without a government-supported recourse for any amenity issues that arise in those situations. This would serve to undermine the aims of the Government in its cohesive regulatory approach. We seek the Government’s reasoning for this approach in regard to applicable day limits and assurance that hosted STRA participants are party to the Code of Conduct, any register and enforcement measures.

If the different treatment of hosted and unhosted STR properties remains, then

there are only two possible interpretations of the Governments position:

3. That it does not believe that hosted properties in any way contribute to amenity, affordability or accessibility challenges. This is a different conclusion to other governments around Australia.
4. That it does not believe that the proposed day limits regulatory tool actually addresses the main issues of amenity, affordability or accessibility perceived to be associated with STR and therefore they do not need to be applied the largest segment of the STRA sector.

Clause 11(b), 12(1)(c), 13(1)(c) regarding limits to number of persons in bedrooms and dwelling

The number of rooms a house has, or how big it is, should not determine how an STR property is regulated. If the outcome sought is to properly manage amenity, accessibility and affordability, there are more appropriate policy and regulatory responses, including the Code of Conduct. Stayz is against any regulatory approach that discriminates according to house size or style. Regulations should be designed and implemented only to the extent required to deliver the desired outcome.

The proposed limit of 2 persons for each bedroom in an STRA dwelling is unnecessarily restrictive and does not take account of family needs – for example a family with a young child or children who must be in the same bedroom. A regulation limiting the number of people per bedroom becomes superfluous when considered in concert with a well designed and implemented Code of Conduct. Such a Code ensures punishment for those doing the wrong thing without placing unnecessary limitations on those causing no problems.

The proposed maximum of 12 persons in total for a STRA dwelling is a blunt measure for an industry which is renowned for its range of home sizes and styles on offer. It should be noted that NSW is famous for its larger homes and this is part of the reason homeowners, guests and communities have gained the most benefit from STRA of any Australian jurisdiction. Any limit should be related to the capacity of the dwelling as previously assessed and approved, not artificially set as one size fits all.

Stayz believes that issues related to how a guest uses the property they rent are most efficiently and effectively handled through the Code of Conduct and its related complaint and enforcement mechanisms. Imposing limitations on the number of guests a certain STRA property can host should be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

[Proposed safety requirements applying to dwellings used for STRA](#)

The safety of Stayz guests and hosts is our highest priority. We strictly ensure that all properties on our platform provide not only safe and secure accommodation for guests but also appropriate information regarding local risks and emergency procedures. We believe the introduction of complying development pathways within the SEPP for unhosted STRA on bushfire prone land and flood control lots (Clauses 10, 13 and 14) are reasonable but should be expanded to include hosted STRA. The exclusion of hosted stays will leave a significant part of the industry not covered by these important new rules to the detriment visitor safety. As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to ensure they can assist in case of emergency.

Some of the requirements in the Short-term Rental Accommodation Fire Safety Standard are overly burdensome on NSW homeowners and STRA hosts. In particular the requirement for smoke alarms to be interconnected where there is more than one alarm and the installation of a lighting system in hallways that is activated by the smoke alarm system. Such fire safety requirements are not typically in place for long term residential properties in NSW and should be reconsidered. Imposing such requirements could be within the powers of the Commissioner to be applied at their discretion when warranted on a case by case basis.

We note that in May the Australian Building Codes Board (ABCB) completed a project on the National Construction Code and short-term accommodation in

Code: Industry participants' obligations

		apartment buildings. ⁴ The project included a risk analysis phase where a consultant was engaged to analyse the effect of occupant length-of-stay on fire safety risks in apartment buildings. The ABCB reported that no evidence was received to indicate an increased fire safety risk due to STRA in apartment buildings. The Risk Analysis further determined there would be no material change in fire safety risks to a person based on their length of stay in the unit (variable for short-term accommodation).
4	Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?	Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.
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 information collected should be related to the policy objectives of the Government and take into consideration the privacy requirements of STRA platforms.
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?	<p>Rights and obligations of guests</p> <p>Stay believes that the obligations imposed on hosts and guests under the Code should be implied terms in all STRA agreements. It is desirable that there be uniformity and reliability in contractual Terms and Conditions so that hosts, guests, neighbours, and other stakeholders are well aware of their rights and obligations. It is desirable to encourage and strengthen the self-regulatory efforts of industry participants under the general law to prevent or resolve thousands of potential disputes and problems at the host-platform and guest-platform level without invoking and overloading the systems and procedures in the new regulatory</p>

⁴ Available here: <https://www.abcb.gov.au/News/2019/05/20/project-outcome-short-term-accommodation-and-use-of-Class-3-and-3-buildings>

framework (i.e. the Code and its mechanisms should manage by exception).

Rights and obligations of hosts

We encourage all our partners to be contactable and responsive to their guests during the duration of the booking. We believe that "Ordinary hours" should be redefined to business hours within the Code. Further, we believe any requirements on an unhosted property partner should also apply to hosted STRA property hosts. If a partner of an unhosted property is required to be available at certain times and in certain ways, then these requirements at a minimum should apply to when and how a host of a hosted property must be available. This is particularly important when it comes to safety issues. As currently drafted, hosted STRA has no definitions around it, other than it's the hosts principle place of residence. There is no guidance on host responsibilities during a stay (e.g. can hosts leave the premises for extended periods of time? Can hosts spend the night elsewhere?). As discussed above in section 1.5, there are too many variables in what constitutes hosted STRA and what requirements will be placed on a host to be at the property and within a certain proximity to form a sound basis on which to set regulations.

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?

There have been substantial improvements in the Code in regard to the management of complaints.

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?

Stayz believes more work is required on defining the circumstances under which a strike is issued. We seek further engagement with the NSW Government on this point.

9 What are potential ways to facilitate industry participants' access to the exclusion register

The best approach will see platform integration to facilitate compliance (eg. restrict bookings via platform). A single register for both exclusion and state-wide compulsory registration is the preferred mechanism.

<p><i>Code: Penalty notice offences and civil penalties</i></p> <p><i>Amendment Regulation: Prescribed classes of STRA industry participant</i></p>		while limiting potential privacy impacts? What factors should be considered?	We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.
	10	Is the review process clear and sufficient? What other matters (if any) should be considered? Why?	Stayz seeks further engagement with the NSW Government on this.
	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?	<p>Imposing fines on misbehaving guests</p> <p>We have no interest in guests using the Stayz platform who continually cause annoyance and concern to the surrounding communities and neighbourhoods. We had previously advocated for provisions enabling on the spot fines to be imposed on misbehaving guests who usually leave the jurisdiction before proceedings can be instituted. This would serve as a powerful deterrent targeted directly at the parties whose misbehaviour is damaging to the STRA industry. We note the draft Code does not include any provision to fine guests. We believe this should be reconsidered.</p>
	12	Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?	Stayz seeks further engagement with the NSW Government on this.

<i>Amendment Regulation: STRA Industry participants excluded from Code of Conduct</i>	13	What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?	Stayz seeks further engagement with the NSW Government on this.
	14	Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?	Stayz seeks further engagement with the NSW Government on this.
	15	What other STRA operators (if any) should be excluded from being covered by the Code? Why?	Stayz seeks further engagement with the NSW Government on this.
<i>Amendment Regulation: Appeals against listing on exclusion register</i>	16	Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?	Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.
<i>Amendment Regulation: Fees and cost recovery</i>	17	Which industry participants should contribute to the cost of administering and enforcing the Code? Why?	<p>Code administration and funding arrangements</p> <p>We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local</p>

councils.

Importantly, any new cost added to STRA in NSW will ultimately be reflected in the prices that guests pay for their accommodation. As such, only necessary regulatory costs should be imposed on the industry so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. The value and employment contribution of the STRA industry to NSW and its regional economies is presented in Appendix B.

For Stayz, any imposed costs must be set and collected with full knowledge and understanding of the operating environment for homeowners using STRA (given the sub-scale nature of STRA as a standalone business, i.e. low yield, low occupancy, low return on capital). It must be easily administered so that homeowners, for whom STRA is a part-time and marginal activity, are not caught up in a cycle where it becomes too onerous or costly to participate in the sector.

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

[Code administration and funding arrangements](#)

We understand the NSW Government intends the administration and enforcement of the Code to be cost neutral to it by recovering costs from industry participants. We are in favour of our sector paying its fair share. However, STRA differs significantly from traditional commercial accommodation providers. First, it is subscale and individual in nature being mainly run by individuals and families making use of a property that might otherwise be left vacant during a busy holiday period and often in areas where traditional accommodation is limited or not available. Second, it is an important contributor to the NSW Government's broader tourism goals, particularly the dispersal of tourists beyond major cities. A valuable feature of STRA is its potential to act as the catalyst for the development of tourism in new and untapped areas of the state – utilising existing infrastructure for accommodation purposes and leading to new opportunities for local businesses to grow with visitor demand. We believe the best cost recovery solution will be one that is fairly and widely applied to the groups that benefit from STRA, including local councils.

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*Amendment
Regulation:
Penalties*

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

Stayz seeks further engagement with the NSW Government on this. This point is worth testing as part of the 12-month regulatory review.

*Proposed
industry-led
property register*

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

Stayz believes that an 'industry-led' register does not necessarily mean an 'industry-oversighted' one. Stayz endorses a largely industry funded body to adjudicate matters relating to the Code of Conduct and believes industry experience should be harnessed in the development of a register. However, without Government as the end point for its management it is unlikely to achieve broad industry and community support.

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing

and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

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

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.

We are in favour of the sector contributing its fair share but note that regulatory costs will flow to the price paid by STRA guests across NSW. As such, costs must be kept to only those necessary so that the increased cost of STRA in NSW doesn't act as a barrier to visitors and send valuable tourism dollars to other states. We believe the best funding solution will involve both the NSW Government and industry and be one that is fairly and widely applied to the groups that benefit from STRA in NSW, including local councils.

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

Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administrating the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the

		Government on its intended role in the funding, development, implementation and administration of the register.
23	Are there other outcomes a register should deliver?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
24	How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
25	What audit and verification processes would be needed to ensure accuracy of data?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
26	Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
27	What information should the register collect? Why?	<p>The information collected should be related to the policy objectives of the Government and take into consideration the privacy requirements of STRA platforms. The Register is critical to the 12-month regulatory review and should be designed to ensure it collects the required data to evaluate whether the Government's policy goals and desired outcomes are being achieved.</p> <p>We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions</p>

		generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.
28	What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
29	What role should Government play in the registration process or providing information for the register?	Working directly with STRA platforms, like Stayz, to develop the register is critical. Online platforms have significant experience and existing systems that can be leveraged. We support the Government's proposal for the register to be industry-led but do not support a "hands off" approach from Government. There is a clear role for Government direction, oversight and support in developing, implementing and administering the register. This is critical to ensure industry is working in-line with the Government's policy intentions and that the regulatory system as whole builds and maintains community support. We seek clarification from the Government on its intended role in the funding, development, implementation and administration of the register.
30	Should any information on the register be made publicly available? If so, what information could be made available and why?	<p>Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.</p> <p>We note that the provision of personal information by private sector organisations, like Stayz, is regulated under the Privacy Act 1988 (Cwth). Privacy principles under the Act prevent the use or disclosure of personal information for a purpose other than the purpose for which it was collected, unless the individual consents, the individual would reasonably expect their personal information to be used for the secondary purpose, or another prescribed exception applies. Prescribed exceptions generally only arise where the disclosure is necessary to protect someone's health or safety or is otherwise in the public interest.</p>

*Commencement
of regulatory
framework*

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?	Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
32	Should any information on the register be made publicly available? Why?	Any information made public should take into consideration the privacy requirements of STRA platforms. Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.
33	How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.	<p>We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government's policy aims.</p> <p>The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.</p> <p>We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those</p>

		with a demonstrable impact in other jurisdictions around the world – to contribute to the Government’s policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.
34	When should the STRA regulatory framework start? Please provide reasons.	<p>We believe each element of the STRA Regulatory Framework requires further clarification and refinement before the timing of commencement can be planned. However, we believe a staged implementation will likely be required and best suited to meet the Government’s policy aims.</p> <p>The most critical component of the framework is the property register. Proper implementation and management of the Code of Conduct requires a functioning register to be effective. Depending on the level of Government involvement, the development of a register could take 3-6 months. This timing would be required to design, develop and test the register, allow booking platforms to integrate their systems and for Government and platforms to undertake information and education activities to communicate the changes to affected stakeholders, including STRA hosts and guests. Other components of the framework, including the Code, could be finalised concurrently over this period of time.</p> <p>We do not support the introduction of any other regulations (including day and guest number limits) until the Code of Conduct and registers have been given adequate time to assess their effectiveness in solving amenity and other community concerns related to STRA. We believe the Code and registers should be in full operation for 12 months to allow them to properly function and ensure the collection of verifiable data on which to base the framework review. Doing otherwise would undermine the potential of these two components – and those with a demonstrable impact in other jurisdictions around the world – to contribute to the Government’s policy aims and mask their value during the 12-month review. If all measures are implemented at once the Review will not be able to distinguish which components have worked and which have not, negating its valuable role.</p>

35	Do you support the proposed scope of the review? What additional considerations might be necessary?	<p>We support the Government's commitment to a 12-month review of the regulatory framework and support the scope of the Review as outlined in the Discussion Paper. Such an approach is well supported through a process that thoroughly defines the problem, clearly designs its policy goals and desired outcomes and articulates the metrics against which these will be evaluated. Some key questions to be considered include:</p> <ul style="list-style-type: none"> • How will the STRA industry's contribution to local economies be measured? • What are the demonstrated social impacts of STRA that are trying to be managed? How will this be measured in the Review? • What are the environmental impacts of STRA that the Government is seeking to measure? • What is the baseline data on which changes in STRA activity over time, including those caused by the new regulatory framework, will be measured? • How will the Government measure the extent to which the planning instruments, Code of Conduct, strata laws and registration system operate effectively as part of a cohesive regulatory framework? <p>We seek the commitment of the Government to undertake the Review in a timely and transparent manner and commit to removing or refining components of the regulatory framework found to be unnecessary or failing.</p>
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?	<p>Stayz has precedents and recommendations for this which are best shared and developed through a small working group. Stayz seeks further engagement with the NSW Government on this.</p>

REPORT TO
STAYZ PTD LTD
26 APRIL 2019

SHORT-TERM RENTAL ACCOMMODATION SECTOR IN AUSTRALIA



ECONOMIC CONTRIBUTION ANALYSIS,
2017-18

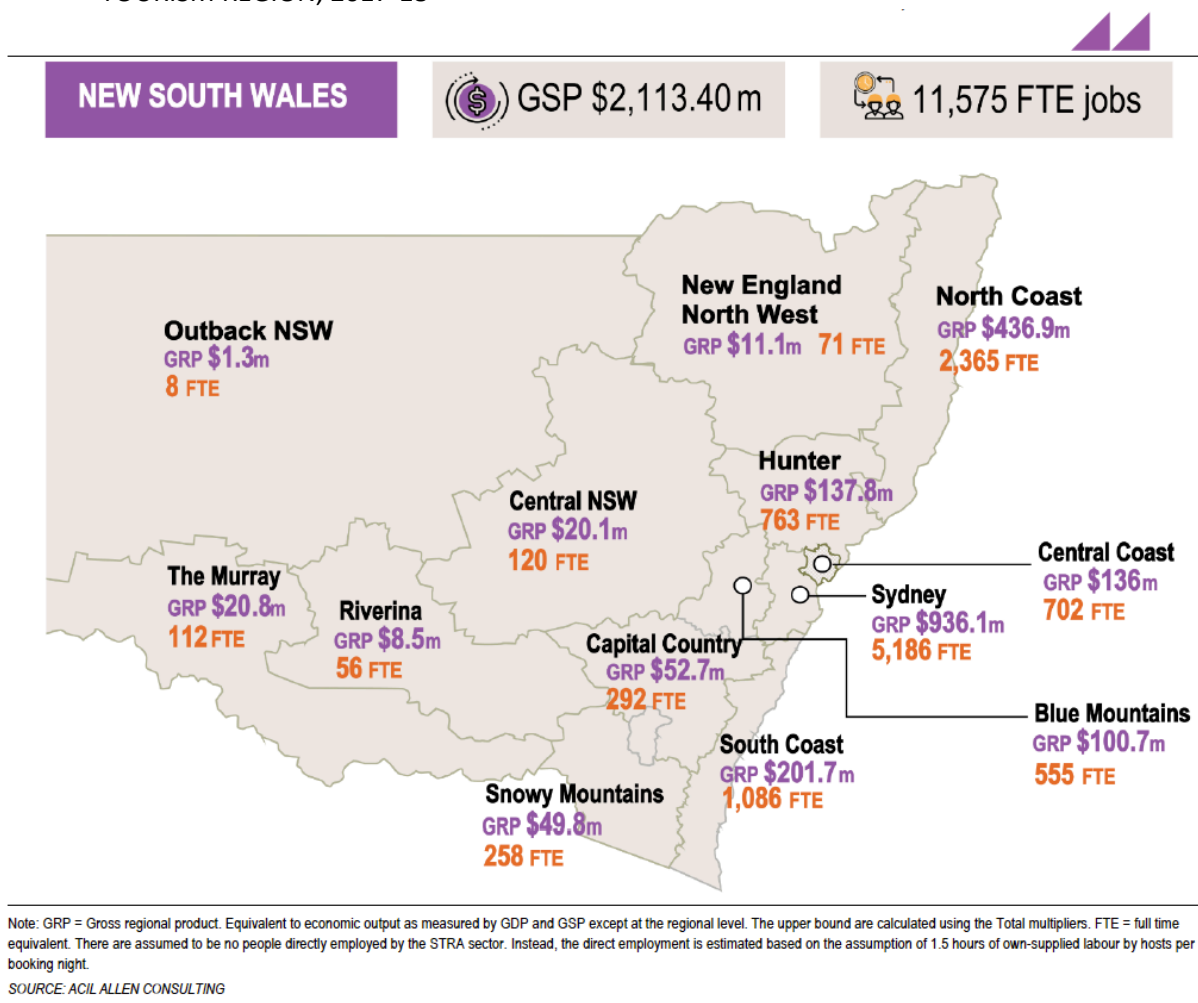


Regional importance – New South Wales

Using detailed data supplied to ACIL Allen by Stayz at the regional level in conjunction with information on Airbnb's activities, this report estimates the regional economic contribution of the STRA sector and compares it to accommodation provided by the traditional accommodation sector in New South Wales.

This section presents the regional economic and employment contribution for the 13 tourism regions in NSW (displayed in **Figure 1**).

FIGURE 1: TOTAL ECONOMIC AND EMPLOYMENT CONTRIBUTION BY NEW SOUTH WALES TOURISM REGION, 2017-18

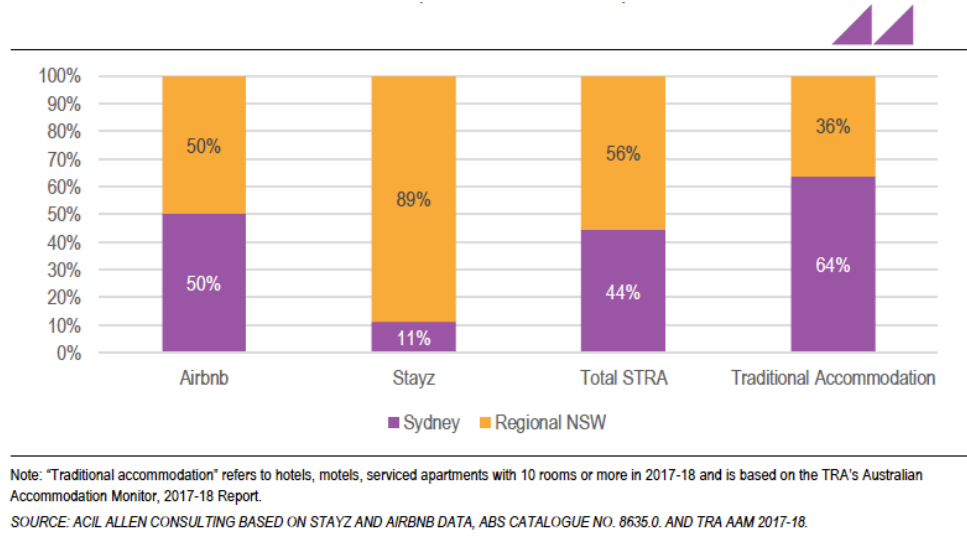


Gross revenue

As shown in **Figure 2**, the two major STRA operators — Stayz and Airbnb — have significantly different revenues from regional New South Wales. In particular, 89 per cent of Stayz's revenues were from regions outside of the Greater Sydney area compared with only 50 per cent of Airbnb's revenues in 2017-18.

In aggregate, of the \$769.3 million gross revenue from New South Wales STRA, 56 per cent is generated from outside the Sydney area and 44 per cent is from the Greater Sydney area in 2017-18. In comparison, 36 per cent of revenues for the traditional accommodation sector are from regional New South Wales.

FIGURE 2: GROSS REVENUE SHARES, NEW SOUTH WALES, 2017-18



Based on the TRA Australian Accommodation Monitor 2017-18, it is estimated that in 2017-18 the traditional accommodation sector provided 24.9 million room nights of accommodation across NSW at a cost of \$5.4 billion. The NSW STRA sector provided 3.0 million room nights of accommodation at a cost of \$769.3 million. Hence, the STRA sector is a substantial provider of accommodation throughout NSW, accounting for approximately 12.0 per cent of the room nights and 14.2 per cent of the revenues as supplied by the traditional accommodation sector (with 10 rooms or more).

TABLE 3: TOTAL ECONOMIC AND EMPLOYMENT CONTRIBUTION BY NSW TOURISM REGION, 2017-18

Region	STRA sector		Traditional accommodation		STRA as a share of traditional accommodation	
	Room nights booked	Revenue	Room nights booked	Revenue	Room nights booked	Revenue
	Number	A\$ million	Number	A\$ million	%	%
Blue Mountains	145,449	28.0	367,758	110.2	39.6	25.4
Capital Country	79,554	18.8	456,027	74.1	17.4	25.4
Central Coast	163,651	53.4	564,903	119.0	29.0	44.9
Central NSW	43,160	7.7	1,132,887	170.7	3.8	4.5
Hunter	206,360	50.5	1,732,179	343.0	11.9	14.7
New England North West	28,732	4.0	739,582	118.4	3.9	3.4
North Coast	623,148	158.6	2,417,526	437.6	25.8	36.3
Outback NSW	3,379	0.4	192,841	24.6	1.8	1.7
Riverina	23,883	3.1	583,212	86.9	4.1	3.5
Snowy Mountains	64,446	20.3	420,688	89.0	15.3	22.8
South Coast	286,530	74.5	1,467,413	278.7	19.5	26.7
The Murray	33,652	8.4	799,856	117.6	4.2	7.1
Sydney	1,344,278	341.6	14,042,531	3,460.8	9.6	9.9
New South Wales	3,046,222	769.3	24,917,404	5,430.7	12.0	14.2

Note: "Traditional accommodation" refers to hotels, motels or serviced apartments with 10 rooms or more.
 SOURCE: ACIL ALLEN CONSULTING

As shown in **Table 3**, the importance of the STRA sector in different regions differs greatly in NSW. Revenues generated through the STRA sector in the Central Coast region of NSW were nearly 45 per cent of those generated by the traditional accommodation providers (\$53.4 million versus \$119 million).

In contrast, there is low penetration of the STRA sector in Outback NSW, with estimated revenues of just \$0.4 million being only 1.7 per cent of the revenues generated by the traditional accommodation providers.

Total economic contribution by New South Wales region

ACIL Allen estimated the direct and indirect economic contribution of the STRA sector to each of the 13 tourism regions of New South Wales. These are provided in Table 4 and Table 5 below.

Regional areas of NSW are estimated to underpin 55 per cent of the economic and employment contribution of the STRA sector's contribution to the state. In absolute terms, the STRA sector made its greatest regional economic contribution to the economies of the North Coast (\$327-\$437 million and supporting up to 2,365 FTE jobs), South Coast (\$152-\$202 million, supporting up to 1,082 FTE jobs), Central Coast (\$105-\$136 million and supporting up to 702 FTE jobs) and Hunter (\$103-\$138 million and supporting up to 763 FTE jobs) regions.

STRA also made a significant contribution to the Sydney economy, contributing between \$702 and \$936 million to GRP and supporting up to 5,186 FTE jobs.

TABLE 4: TOTAL CONTRIBUTION BY NEW SOUTH WALES TOURISM REGION, 2017-18

	Direct	Indirect		Total	Total as share of GRP		
		Lower bound	Upper bound	Lower bound	Upper bound	Lower bound	Upper bound
Region	\$A million	\$A million	\$A million	\$A million	\$A million	% GRP	% GRP
Blue Mountains	22.6	45.2	78.1	67.8	100.7	1.15	1.71
Capital Country	15.2	23.9	37.4	39.1	52.7	0.39	0.53
Central Coast	43.2	62.0	92.8	105.3	136.0	0.58	0.75
Central NSW	6.2	9.3	13.9	15.5	20.1	0.08	0.11
Hunter	40.9	62.3	97.0	103.2	137.8	0.20	0.27
New England North West	3.2	5.0	7.9	8.2	11.1	0.06	0.08
North Coast	128.4	198.2	308.4	326.7	436.9	0.94	1.25
Outback NSW	0.3	0.6	0.9	0.9	1.3	0.03	0.04
Riverina	2.5	3.8	6.0	6.3	8.5	0.06	0.07
Snowy Mountains	16.4	22.4	33.4	38.9	49.8	1.48	1.90
South Coast	60.3	92.0	141.4	152.3	201.7	0.53	0.71
The Murray	6.8	9.5	14.0	16.3	20.8	0.20	0.26
Sydney	276.6	425.0	659.5	701.6	936.1	0.18	0.24
New South Wales	622.8	959.4	1,490.6	1,582.2	2,113.4	0.26	0.35

Note: GRP = Gross regional product. Equivalent to economic output as measured by GDP and GSP except at the regional level. The lower and upper bounds are calculated using the Simple and Total multipliers, respectively. Indirect economic activity due to intrastate and interstate trade has been included in the regional contribution estimates based on their share of underlying activity.

SOURCE: ACIL ALLEN CONSULTING

As a percentage of total economic activity, the provision of accommodation by the STRA sector is particularly important for the Snowy Mountains regional economy contributing an estimated 1.5-1.9 per cent of its GRP. It is also a significant contributor to the economies of the Blue Mountains (1.2–1.7 per cent), the North Coast (0.9–1.3 per cent) and the South Coast (0.5–0.7 per cent).

TABLE 5: NEW SOUTH WALES TOTAL EMPLOYMENT SUPPORTED BY THE STRA SECTOR BY REGION, 2017-18

Region	Direct	Indirect		Total	
	FTE jobs	Lower bound	Upper bound	Lower bound	Upper bound
Region	FTE jobs	FTE jobs	FTE jobs	FTE jobs	FTE jobs
Blue Mountains	126	256	429	382	555
Capital Country	69	147	222	216	292
Central Coast	142	386	560	529	702
Central NSW	38	57	83	95	120
Hunter	179	388	584	568	763
New England North West	25	31	46	56	71
North Coast	542	1,211	1,823	1,753	2,365
Outback NSW	3	3	5	6	8
Riverina	21	23	35	44	56
Snowy Mountains	56	141	202	197	258
South Coast	249	561	837	810	1,086
The Murray	29	59	83	88	112
Sydney	1,169	2,671	4,017	3,840	5,186
New South Wales	2,649	5,934	8,927	8,583	11,575

Notes: FTE = full time equivalent. There are assumed to be no people directly employed by the STRA sector. Instead, the direct employment is estimated based on the assumption of 1.5 hours of own-supplied labour by hosts per booking night.

SOURCE: ACIL ALLEN CONSULTING

From: Lucas Pender <lpender@brickfielderge.com>
Sent: Wednesday, 11 September 2019 8:26 PM
To: DPE PS STHL Mailbox
Subject: Re: Submission extension request - Stayz
Attachments: Stayz submission on NSW Government STRA regulatory framework - 11.09.2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Director,

Further to my email below – on behalf of our client Stayz please find attached the finalised submission (including Appendix B) from Eacham Curry, Director, Government and Corporate Affairs at Stayz.

I believe we successfully uploaded this final version via the online portal earlier this evening but did not receive confirmation so are resending here.

This submission provides a background to the company and presents our perspective on four of the features of the NSW Government's draft regulatory framework that we believe require further clarification and development, in particular the:

1. Draft planning instruments
2. Draft Code of Conduct for the Short-term Rental Accommodation Industry
3. Proposed industry-led STRA property register
4. Commencement timeframe and 12-month review of regulatory framework

In Appendix A we have summarised our responses to the questions posed in the Discussion Paper. In Appendix B we present recently commissioned data showing the short-term rental accommodation sector's size and economic contribution to NSW and its tourism regions for the 2017-18 financial year.

Our aim through this submission and in our further engagement with the NSW Government is to raise the policy and regulatory issues that require detailed attention and the solutions that we think are best suited to deliver on the Government's policy aims. In doing so, we have sought to provide value to your deliberations and a starting point for our further engagement with the Department and the NSW Government.

An acknowledgement that this submission has been received and accepted would be appreciated.

If you require further information please don't hesitate to get in contact.

Kind regards,

Lucas Pender (on behalf of Eacham Curry, Director, Government and Corporate Affairs at Stayz)
Associate
+61 400 930 301
lpender@BrickfielderGE.com

From: Lucas Pender <lpender@brickfielderge.com>
Date: Wednesday, 11 September 2019 at 5:00 pm
To: "sth1@planning.nsw.gov.au" <sth1@planning.nsw.gov.au>
Subject: Submission extension request - Stayz

Hello,

Following my call with Suzie Hatherly this afternoon I'd like to request a short extension on behalf of Stayz for their submission on the Short-Term Rental Accommodation Discussion Paper.

I have attached a draft here (not for publication).

Appendix B (to be added) will present recently commissioned data showing the STRA sector's size and economic contribution to NSW and its tourism regions for the 2017-18 financial year.

We will have the final version with you as soon as possible this evening.

Best,

Lucas Pender
Associate
+61 400 930 301
lpender@BrickfielderGE.com

From: Stef Vigliotti <stefvigliotti@ymail.com>
Sent: Wednesday, 11 September 2019 2:19 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...

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.

There are over 2000 Airbnb hostings within the Tweed Shire area. If these all get shutdown, Kingsliff and surrounding area's small businesses go out of business as visitors stop coming here.

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.

Regards,
Stef Vigliotti
Vulcan St
Kingscliff, Nsw 2487

From: Stefano Vigliotti <stefvigliotti@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 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.

Regards,
Stefano Vigliotti
Vulcan St
Kingscliff, Nsw 2487

From: stephan gervois <stephgervois@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
stephan gervois
68 Bayview Ave
Earlwood, Nsw 2206

From: Stephanie Forsyth <sdforsyth@bigpond.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 we love the area we live in and enjoy sharing with visitors to Sydney and/or Australia, why we live where we live. We are responsible hosts abiding by the current rules of safety (lights, alarms etc.) and security of anyone visiting our home and abiding by all financial responsibilities. Guests staying at our place are encouraged to support local supermarkets, cafes, chemists, gift shops, post offices and transport and encouraged to explore not only our area but further afield. I believe that the implementation of most of these requirements is based on solely cynical merits on behalf of the government and local councils and at the behest of hotels and other commercial enterprises, most of whom have no connection on a personal basis with their guests in the way we do, and offering a genuine and comfortable and convenient place to stay whilst visiting N.S.W. Australia.

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.

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Thank you for reading my submission.

Regards,
Stephanie Forsyth
12 Dyson St
Putney, Nsw 2112

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 6:57 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

Categories: Purple category

Submitted on Sun, 01/09/2019 - 18:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Stephen

Last name

Brand

Name withheld

No

Info

Email

steve.brand@de.com.au

Suburb/Town & Postcode

Bateau Bay 2261

Submission

I am the owner of a typical suburban home within 300m of the beach on The Central Coast. Since Christmas last year my neighbour has used the Airbnb platform to rent out his house, which used to have an occupancy level of 2 to 3 people through an agency. The use of Airbnb has been a personal

nightmare for my partner and I.

The guests are typically large groups from Sydney who stay predominately on the weekend creating a constant source of noise and disruption and create an intrusive presence in a quiet neighbourhood where people are trying to relax so they can recharge for the working week. In the colder months he rents the house to itinerant road construction workers who often work the night shift returning to the property at 3 am and wake up the neighbourhood showering and talking loudly. The owner has crammed beds everywhere and sees nothing wrong with allowing additional people to sleep in vans parked outside his property or bring extra mattresses into the house to sleep even more people.

In the warmer months the house will be occupied most weekends with up to 12 people in an average size house. The noise and disruption level increases markedly with the number of guests allowed to stay at the property.

I have read the latest Code of Conduct document and apart from the strike policy for serious offences there is little to improve the situation for people in my situation except for the new limit of 2 people per bedroom contained in table 2 of the Discussion Paper.

This will be a godsend for people like myself as it will reduce the number of cars, people and noise that we have to put up with. I expect you will get a lot of submissions from hosts wanting to increase the occupancy levels so they can make more money however I think the draft planning documents provide a good balance. Please retain this proposal in its current form.

I agree to the above statement

Yes

From: Stephen Croxon <croxo63@outlook.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Stephen Croxon
24 Bingar St
Yenda, Nsw 2681

From: Stephen Cullen <steve.cullen@mail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: [SUSPICIOUS MESSAGE] Submission to Short Term Rental Accommodation Discussion Paper

Categories: rob submission 2.0, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Stephen Cullen
20 Betty Anne Pl
Mardi, Nsw 2259

From: Stephen Duckitt <stephenduckitt@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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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.

Regards,
Stephen Duckitt
6 Denison St
Camperdown, Nsw 2050

From: Stephen Glass <stevejglass1@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 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...

My wife and I are retirees and as Airbnb hosts, this gives us a way to augment our income so that we can self-fund our retirement. We also live in the Pittwater region which is not well served by hotels, so AirBnB provides an effective option for the many visitors that want to enjoy our area. This is important for our local businesses, many of which are already struggling because there are so many restrictions placed on them (eg very limited parking, high rents, limited retail premises etc).

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. We have had a very positive experience with AirBnB over several years and feel that a very sensible and viable accommodation option that is being slowly strangled by a small number of vocal detractors.

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.

Regards,
Stephen Glass
916 Barrenjoey Rd
Palm Beach, Nsw 2108

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 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 13:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Stephen

Last name

Hsll

Name withheld

No

Info

Email

info@sydneyholidayrentals.com.au

Suburb/Town & Postcode

Potts Point

Submission

As founder and owner of the holiday rental agency Sydney Holiday Rentals Pty Ltd I wish to register the strongest possible objection to the code of conduct and proposed 180 night cap. This is going to totally

decimate this industry in the same way the Lockout Laws have decimated Sydney nightlife. Thankfully those laws are now being lifted but not before major and permanent damage has been done to the worldwide reputation of this city, to local businesses and to local people who worked for and used those businesses.

Having worked in this industry for 7 years I know once the cap is introduced there is simply no way my business will survive; your legislation will run me out of business and force me to make the staff that work for me redundant and me unemployed. Whilst your legislation makes an exception for bookings of 3 weeks or more not counting towards the cap this had anyone contacted anyone with significant experience in this industry to ask what percentage of bookings are for 3 weeks or longer everyone would have said these make up a tiny minority of bookings and there is simply no way the remaining nights of the year can be filled with these bookings. The idea of the 3 week exception was allegedly to help support a mobile workforce but this again is ridiculous; I ask the reader to count how many people they know who travel for work for 3 weeks or more at any one time. I wholeheartedly expect you'll struggle to know more than one or two people unless you're in a very rare and niche industry.

Our normal occupancy levels mean we will hit this cap in a couple of weeks over six months because we are good at our job and making sure we ensure our owners can meet the financial obligations relating to their properties and income needs. What this legislation does is force owners to make a choice. It kills the prospect of holiday rentals meaning they can use that avenue to ensure a property pays its way when they are not using it and forces them into long-term rentals (meaning they have to surrender having their own place in Sydney they can stay in) or sell the property. The alternative is to place the huge burden on them of having to cover the costs of the property based on income from only half the year because the fact of the matter is, direct from my own lengthy experience of managing bookings for 7 years, bookings of 3 weeks or more will never ever make up the remaining availability for the year. Anyone who thinks there is any chance of this is simply lying or has no direct industry experience. Bookings of 3 weeks or more over the last 7 years across numerous properties in Sydney make up less than 5% of our total bookings.

Whilst I appreciate some poor property hosts may allow guests to cause noise and nuisance my agency has had one noise complaint in 7 years from over a thousand bookings and this one incident was dealt with quickly with a simple call to the guest. We meet all our guests in person to move them into the property to ensure they know the proper standard of behaviour required of them and to ensure they seem to be reliable and trustworthy people. Instead of ruining the industry for all those in it what about making all hosts complete some kind of annual training to make sure they can manage guests better? If hosts fail to manage guests properly then by all means use a three strikes system to forbid them from managing property. The way real estate agents are managed by the government suggests far better ways of approaching these kinds of problems than what is being proposed by this code of conduct forcing blanket restrictions on all and suffocating the industry.

A better exception than the proposed 3 weeks would be that bookings of 1 week or more do not count towards the cap. When thinking about the lockout laws which decimated Sydney nightlife wouldn't it now be better to take a measured approach to dealing with the perceived problems in the holiday rental industry and start with gentle restrictions slowly increasing if needed rather than being heavy handed from the start? Allowing an exception for bookings of 1 week or more shows people protesting about problems you are taking them seriously without putting businesses like mine out of business which is inevitable with the current proposals. It reduces the regularity of the turnaround of apartments between departing and arriving guests which is what many protesters have been asking for whilst still

ensuring owners can cover their costs and professional licenced agencies like mine can actually continue to operate in this field. I urge you to consider this strongly as it is the only vague glimpse of light at the end of the incredibly dark and depressing tunnel you are proposing to take us down.

Almost no one wants furnished rentals for more than 3 weeks, especially over winter which is when people will want to try to find longer bookings to make the most of summer demand for holiday rental bookings so the prospect of apartments paying their way once the cap has been hit is totally impossible. I've spoken to many rental agents in the field and they all say the same, demand for furnished properties for 3 or 6 months or more is a tiny percentage of the market and they actively avoid taking on these types of properties because no one wants them. I understand one key need which has lead to this proposed legislation is the desire to increase the supply of properties to the rental market but what has not been considered is that the vast majority of the properties made available for holiday rentals are not the entry level properties that people are so desperately seeking.

Has the impact of this legislation on tourism been considered properly? Let me spell it out for you. This legislation means owners who wish to keep a property in the city that they use occasionally and have it still pay its way through holiday rentals (which is the only means of having a property you can use sometimes and still have it cover its costs) will no longer be able to afford to meet their financial commitments like before so they are faced with two alternatives, to move to long term rentals meaning they can no longer stay in a place they consider their home in the city or they sell the property. They will most likely be financially disadvantaged by doing either in the current market of low rents and dropped property sale prices. The reduced number of places for tourists to stay means prices of the remaining properties will go up, hotels will put prices up too because there will be increased demand for their rooms both of which means visits by tourists get more expensive and more expensive visits means fewer will be able to afford to visit Sydney therefore reducing the available tourist dollars to be spent elsewhere around the city. Sydney already has a reputation for being an incredibly expensive city for tourists and this proposed legislation is just going to make that worse further damaging the reputation of this city worldwide. A drop in tourism and tourist dollars being spent will lead to issues for other businesses who are not making as much money anymore leading to pressure on finances and jobs and many other things. You must not underestimate the impact of this proposed legislation as it stands; it will strangle this city further in so many other ways that the government does not seem to have considered!

I also want to touch on how totally irresponsible it was of the government to make the vague announcement that it did many months ago that this legislation was coming. To have lived in limbo since that date, desperately waiting for actual details and useful information has taken a massive toll on my physical and mental health. Every day since the initial announcement I have felt worried, anxious, stressed and been unable to sleep properly knowing that with this hanging over my head and over my business my future was uncertain and it would be likely I would lose my business and my income. I've been prescribed sleeping pills, sedatives and antidepressants. How am I going to provide for my family when I lose my business because we can't take any more bookings and no one wants to stay for 3 weeks or longer? How will I be able to pay my bills? I'm not the only person feeling like this. The proposed legislation as it stands intends to rip the heart out of this industry taking away the businesses people have built and their livelihoods. The legislation needs to be better, it needs to make use of a licensing system like for estate agents (which I am by the way because I believe in doing this to a proper professional standard), it needs to not strangle this city, it needs to not make things even more expensive for prospective tourists, it needs to find a way to let people who live out of town keep their homes in their city that can still pay their way. You need to do better than this and go back to the

drawing board!

I agree to the above statement

Yes

From: Stephen Price <pricesr@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 is a convenient way of providing some additional income for my forthcoming retirement.

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 as well as promoting my own small local enterprises.

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.

This is red tape for sake of red tape. As a small business initiative the Liberal government should be supporting not hindering this type of enterprise by introducing zero value overhead such as this proposed legislation.

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.

Regards,
Stephen Price
39 Somme Ave
Wentworth Falls, Nsw 2782

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 11:45 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 11:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Stephen

Last name

Rendall

Name withheld

No

Info

Email

stephen.rendall@ballina.nsw.gov.au

Suburb/Town & Postcode

Ballina, NSW 2478

Submission file

[short-term-rental-accommodation-submission---ballina-shire-council.pdf](#)

Submission

Please see attached PDF Submission.

I agree to the above statement

Yes

From: Stephen Robertson <imagination@outlook.com.au>
Sent: Wednesday, 11 September 2019 2:23 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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...

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.

Airbnb provide a multitude of accommodation options where previously options were nil or very minimal.

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:

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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

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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.

Regards,
Stephen Robertson
15 Grafton Cres
Dee Why, Nsw 2099

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 2:28 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 14:28

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

stephen

Last name

swan

Name withheld

No

Info

Email

swannee_123@hotmail.com

Suburb/Town & Postcode

Suffolk Park 2481

Submission

Air B a B as well as holiday lets in our area are becoming a tremendous burden and peoples lives with especially holiday lets having up to 16 to 20 people sharing the lets it really is getting out of hand

I agree to the above statement

Yes

From: Stephen Thompson <stephenthompson277@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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

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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.

Regards,
Stephen Thompson
26 Nooramunga Ave
Cambewarra Village, Nsw 2540

From: internode email <azci@internode.on.net>
Sent: Thursday, 5 September 2019 9:31 AM
To: DPE PS STHL Mailbox
Subject: Holiday rental regulations for NSW

Categories: Purple category

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Stevan

From: Steve Back <steve@steveback.com.au>
Sent: Wednesday, 11 September 2019 2:21 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 creating a beautiful space for people to experience bondi and Mullumbimby that is more affordable than the scarce and overpriced existing accommodation. It also helps paying my mortgage and supporting my family.

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. This is classic Australian over regulation at the behest of vested interests and will seriously undermine the regional tourism industry and make australia less attractive to international visitors.

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.

Regards,
Steve Back
684 Left Bank Rd
Mullumbimby Creek, Nsw 2482

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 12:21 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 12:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Steve

Last name

Dart

Name withheld

Yes

Info

Email

dartbyronbay@gmail.com

Suburb/Town & Postcode

2481

Submission

These AIRBNB holiday house listings are ruining Byron Bay on many levels.

Residents have to put up with party houses in residential areas not in holiday zone areas approved by council.

Holidays Letting businesses in holiday zone areas are losing business.

Locals can't afford to live in Byron as all rental properties are becoming AIRBNB holiday houses.

Its a domino effect thats got to stop.

Please stop this in Byron Bay residential areas .

I agree to the above statement

Yes

From: Steve Lamb <lambyparker@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 MY WIFE AND I DONT QUALIFY FOR THE PENSION. WE NEED THIS INCOME TO SURVIVE !!! IS THAT OK FOR THE GOVERNMENT? WE ARNT SAVY ENOUGH AND TOO OLD TO TRY TO COMPLY WITH MORE GOVERNMENT RED TAPE. PLEASE KEEP IT SIMPLE FOR ELDERLY PEOPLE WHO DEPEND ON THIS 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.

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Thank you for reading my submission.

Regards,
Steve Lamb
9 Riverside Cres
Brunswick Heads, Nsw 2483

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 4:46 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 16:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Steve

Last name

Thurecht

Name withheld

No

Info

Email

steve.thurecht61@gmail.com

Suburb/Town & Postcode

2487

Submission

Part Five of the Code requires hosts to provide neighbours with specific information, including the host's contact details. I don't believe that this is appropriate as personal information can be misused. In addition, how will a host know if existing neighbours move away and new neighbours move in, requiring the new neighbours to be provided with the host's contact information. Should a host be responsible for monitoring who his/her neighbours are and whether they have been provided with up to date contact information?

Part Seven of the Code covers 'Strikes'. This is arguably one of the most emotive aspects of the STRA and one where all participants will be looking for clear definition of grounds for a strike. Unfortunately the statement 'the Commissioner is satisfied that it is appropriate to record a strike' does not adequately define what constitutes grounds for a strike, particularly regarding noise complaints from neighbours. Will STRA guests be held to the same standard as other members of the community when it comes to issues like noise, or will the Commissioner require a higher standard? This is not clear from the draft code. Perhaps STRA guests should be subject to the same council/police regulations as other members of the community, including home owners and long term renters. This would certainly make the rules clear.

I agree to the above statement

Yes

From: Steven Ding <sding@288capital.com.au>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Steven Ding
259 George St
Sydney, Nsw 2000

From: Steven Hughes <planurb@tpg.com.au>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Tom Submission, Air BNB run

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5 Tarbuck Park Rd
Tarbuck Bay, Nsw 2428

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Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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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 9:56 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Air BNB run, recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 21:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Steven

Last name

Jo

Name withheld

No

Info

Email

stvnzhou@gmail.com

Suburb/Town & Postcode

2118

Submission

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Thank you for reading my submission.

I agree to the above statement

Yes

From: Steven Linhart <stevenlinhart@yahoo.com>
Sent: Wednesday, 11 September 2019 2:15 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.

Regards,
Steven Linhart
150 Blackmans Creek Rd
Hartley, Nsw 2790

From: Sally Anderson
Sent: Tuesday, 3 September 2019 3:40 PM
To: DPE PS STHL Mailbox
Subject: FW: Have Your Say - STRA Reforms - STEVAN PEJIC

Hi Deborah,

I'd like to take this opportunity to provide a statement in response to the, Have You Say on STRA reforms;

<https://pp.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms>

I've made a submission via the aforementioned website, but would also like to send you my statement directly as a fellow colleague of the DP&E.

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 and/or flood-prone area this automatically deems any private rural zoned land and associated dwelling potentially not eligible to be Short-Term leased.

Various platforms beyond Airbnb, e.g, Bookings.com, Homestayz.com, Youcamp.com, have been in operation for many years prior to the arrival of Airbnb and these platforms have been used successfully to Short-Term lease various rural properties all within bush fire & flood prone areas, in various formats, e.g, camping sites, single rooms or entire properties.

The point is, all these websites provide an opportunity for all owners who are people, groups and minorities, for urban dwellers to have access to private rural land and associated dwellings as means to share and provide a stream of income and promote and celebrate the local rural area and its offerings. For constantly struggling rural communities which have inadequate employment opportunities in their local area this is an opportunity to provide income to these rural areas that don't even have enough accommodation to cater for during the course of a year.

Please take note that all income received is taxable so this also gives the federal government additional tax revenue from the proceeds of completed bookings of non-cash funds exchanged from user to owner, which is completely transparent and submitted to the ATO by the STRA platforms upon completion of each financial year.

My suggestion is to apply the proposed reforms related to the Sydney Metro area only, whereas a separate criteria is applied to properties with a **land 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 and dwelling/housing activities, so then why should they be restricted to share their land and associated dwellings with the public. 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.

Finally, in 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 by the owner, particularly in a metro environment, then I completely agree that strict restrictions must be applied to multi-unit/strata residential properties, however, as stated above the proposed reform shouldn't be applied to rural zoned blocks which are subject to bush-fire and flood zoning, as evacuation of these areas when an emergency occurs is managed and coordinated by the land owner, SES and all associated Emergency Services.

I thank you as a fellow colleague of the DP&E for reading my statement and I hope that my suggestion will genuinely be considered.

Kind Regards,

Stevan Pejic

From: Stevan Pejic <azci@internode.on.net>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Stevan Pejic
102 Old Bathurst Rd
South Bowenfels, Nsw 2790

From: Steven Speter <steve_speter@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 is flexible and easy without unnecessary 'red tape'.

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Regards,
Steven Speter
55 Robertson Rd
Scotland Island, Nsw 2105

From: Stevey Arena <stevey_murphy@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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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.

Regards,
Stevey Arena
Edwards Rd
Richmond Lowlands, Nsw 2753

Short-Term Rental Accommodation – a new regulatory framework

Thank you for the opportunity to provide feedback to the draft regulations, standards and code of conduct (we stumbled across the existence of this opportunity quite by chance, after seeing an article in a newspaper in a café).

Addressing the questions:

Q1-3: SEPP, Regulation, Safety, clarifications

Fire safety:

Is 5.4.1 (a) for class 2 dwellings in the Fire Safety Standards correct, or is it a mistake?? Self-closing doors for every room that opens into an INTERNAL corridor? Whether it's occupied by an owner, tenant or short-term renter, they will all simply prop these doors open! They'll prop the bathroom door open to let the humidity out. They'll prop the laundry door open to save the nuisance of opening and closing it and to let light in. They'll prop the bedroom doors open to let a cool breeze blow through in summer evenings and to prevent the room from getting stuffy in winter when an open external window would chill the room. Most people (apart from teenagers) like to keep bedroom doors open for convenience. The proposed measure 5.4.1a is simply not practical and will be defeated by the habits of ordinary people, so it makes no sense to demand that people install such doors.

5.4.1 (b) makes more sense, having a door that will contain smoke within an apartment so occupiers of all apartments can exit smoke-free. But 5.4.1 (a) seems pointless for the reasons noted above.

The other fire safety measures, while imposing some extra compliance costs, seem not unreasonable (and we meet most of them already)

Hygiene:

Not saying that it needs to be regulated, but it is worth pointing out that AirBnB properties, apart from offering more choice to guests, also offer more hygienic choices, if germs might be considered a safety issue... The following article is enlightening!

<https://www.abc.net.au/news/2019-05-16/how-clean-is-your-hotel-room/11090340>

AirBnB places are, in our experience, cleaner than hotels and motels. In a hotel or motel, by nature, the incentive is for cleaning staff to get the job done as quickly as possible so they can go on to the next job, and they are often pushed to do so (see article above). For AirBnB hosts there is less time-pressure; the incentive is to do the job as well as possible, because blemishes in the cleanliness are reflected as negatives in reviews, and fewer bookings. **We spend a couple of hours cleaning our apartment meticulously before guests arrive.** How many hotel cleaning staff will spend that time on a two room place and associated living areas?

Not saying that hygiene is yet another thing to be regulated; guests are competent adults and will make their own choices! While we mainly stay at AirBnB places when we travel, we'll sometimes stay a night or two at other accommodation like motels, but there we wash the cups beforehand, wear thongs in the shower and use our own towels!

180 day limit in some places:

(Draft STRA SEPP Clause 12) – A bit disappointing to see this limit – the “two-strikes” and “137A Strata by-law” prohibition provisions could take care of the rare anti-social impacts on neighbours. We’re not affected by it (still got 365 days), but could be if our council gets a few anti-STRA people on it...

We’ve operated our “non-hosted” AirBnB for over two years (90% occupancy) with no issues. All the residents of neighbouring apartments on our floor and those above and below, as well as the Strata Committee, have our contact details and encouragement to contact us if there’s ever an issue. And we meet each guest and give them a briefing on arrival.

* Instead of Strata having a binary choice of “permit or prohibit”, a more flexible option might be for them to require a **minimum stay** in exchange for the option to have more than 180 days. We had a minimum 1 day for the first year but have voluntarily gone to a minimum of 4 days which highly reduces the risk of “weekend party” groups. In fact there is more of a risk of parties from owners and tenants in nearby apartment buildings!

21 days

This provision in clause 12 (2) makes sense – in this time guests and neighbours do get to recognise each other and have, we have found, mostly been staying for work or study, or quite frequently they have been parents visiting one of their children who is studying in the local university.

Floods/fire – we’ve got no comments on the provisions – outside our area of experience.

Q4 – Code – industry participants

The general obligations look ok.

Q5 – Code – STRA information

The Act (54B) mentions the Secretary, the Code (5.1.3) mentions the Commissioner, but in both cases we’d expect that they’d need to know basic information such as how many STRA premises are in operation, how many nights of accommodation are provided per year, how many complaints are made and how many strikes are recorded. Having real statistical data such as how many complaints per 1000 nights of occupancy will mean being able to provide sensible answers to the impact of STRA. It would be reasonable for such a “complaint rate” to be publicly available.

Q6 – Code – specifics for different participant classes

The obligations look reasonable. As AirBnB hosts we already do these things anyway. Similarly when we travel as guests.

Q7 – complaints

The complaints process seems sufficiently comprehensive.

Q8-10 Compliance – strikes - privacy

Overall this looks reasonable. But for 7.2.10b a limitation to one month is short, especially in summer. Two months would be better, especially considering that the vast majority of guests are respectful and well-behaved. If we had to cancel our guests in summer with just a month’s notice, it would be very difficult for them to find alternative suitable accommodation in the area. We know,

because we've had the experience of trying to find it for them! Our apartment was run as AirBnB accommodation by the previous owner for two years. When we bought it, we were uncertain as to whether to continue it as AirBnB (with which we were quite new) or to rent it out to a tenant. We decided the latter, but didn't want to cancel the AirBnB bookings of those who had booked over summer with the previous owner (in case we decided to go back running the premises as AirBnB – your reputation crashes if you cancel a guest's accommodation). It was extremely difficult to re-accommodate them, generally costing double and up to three times what they paid us, to put them up in hotels and serviced apartments, and in some cases it was just impossible to find anywhere suitable with even two months of lead time. We have bookings up to a year ahead and some travel from overseas, often young families with post-graduate work at the nearby university. Two months would be a better compromise in 7.2.10b.

Privacy: A register of excluded guests and hosts should **definitely not** be open for everyone and anyone to see! It should be available on a “**need to know**” basis. Eg, larger umbrella organisations like AirBnB and Stayz could automatically search the database of excluded guests, hosts and premises. Smaller individually registered STRA operators could do likewise, before accepting a booking. But you don't want the case where a group of 4 friends book a place (in the name of one of them) and then one of the other 3 does something really antisocial, and the innocent booker finds that their name is searchable by his or her boss! Fair enough that the innocent booker gets a strike against their name – they won't invite the “friend” again. Also, a host that in good faith accepts a booking and the guest whose track record had previously been clean, (or one of their visitors) does something antisocial, two strikes and the host is on the register for what the guest or their visitor did. Fair enough that the host and their premise goes on the register (for the sake of the innocent neighbours!) but not that the host's boss or others can see that the host has been put on the list.

No database is free from hackers (or leakers), but restricting it to a “need to know” basis will at least afford some degree of privacy. By “need to know”, we mean, when a booking is about to be made or accepted.

[Q11 – penalties](#) – these are easily enough to keep us in line!

[Q12-15](#) – these all seem reasonable. While STRA participants listed in 22C such as motels, hotels and backpackers are reasonable to exclude, we'd note that if STRA participants such as unit owners who list on AirBnB and Stayz end up having to put self-closing fire doors on each bedroom, bathroom and laundry that opens onto any INTERNAL corridor inside their apartment (5.4.1a), the same should apply in motels, hotels and serviced apartments! (Where they'll be equally ineffective – occupants will prop the internal doors open.) Better to remove 5.4.1a and just keep 5.4.1b.

[Q16 – appeals](#) – seems reasonable.

[Q17, 18 – paying the cost of administering...](#)

The fairest way would be a percentage of revenue. But can you provide some sort of estimate of what the costs of operating this whole supervisory scheme is likely to be, or what sort of percentage of total revenue would need to be charged by government to cover its costs? If the cost is less than 1%, you could get away with a simpler cost-recovery mechanism. If it's more, then make more effort to spread it fairly, even if it means a bit more complexity. Hard to answer without numbers.

[Q19](#), can't really comment on this.

[Q20-21](#) Register

As noted, the growth of STRA for the benefit of both guests and hosts has been powered by the Internet and consequent ease of obtaining information through online platforms (like AirBnB and Stayz), and they have the information you need, which hopefully means that the cost of compliance with the code will be low! If you can provide an estimate, that would help!

[Q22](#) Government oversight of the register

Government would need access to the exclusion list to put people on it and make sure excluded people are not defying their exclusion. In terms of a comprehensive STRA register, government only needs to step in if the major providers don't manage to cooperate to produce a satisfactory register that captures the great majority of STRA providers. There'll no doubt be a very small number of minor players who'll escape any system, such as someone who rents their weekender to a few mates for cash. You'll only catch them if they misbehave and generate complaints – then you can throw the book at them!

[Q23-26](#) relating to the register

No comment on these – the larger participants are in a better position to advise.

[Q27-29](#) Register data collection

The list provided in the discussion paper just before Q27 seems reasonable.

[Q30-32 – Register of STRA properties](#) (Q32=Q30... whoops!)

For privacy, the information on the STRA register should not be publicly available! You could have the case of a competitor or a criminal gang getting the contact details and threatening, stalking or extorting another (and we've seen from countless domestic violence cases how ineffective restraining orders are!) The large majority of booked nights happen through large players (online platforms, letting agents). They have a "need to know" the private details of hosts, so that guests using the services will be confident that the property is not excluded and is legitimate. For the minor players (individuals privately renting out a holiday house), it's a bit like buying food from a roadside stall, the customer has less assurance about the quality but that's their choice. If the individual doesn't register their STRA, throw the book at them! And if they generate complaints, throw it twice!

In short, we would be strongly opposed to the information on p16 of the discussion paper (before Q27-29) being available for any member of the public to obtain. If they use a major participant like AirBnB, Stayz or letting agents including real estate businesses, then it is reasonable for the potential guest or tenant to know that the umbrella participant (like AirBnB) knows that information.

If a host or premises is on the Exclusion register, then it's reasonable for a potential guest to know this so that they don't book, so they could enter the address into the Exclusion list (not the overall STRA list) to check.

In terms of making private information available, ask yourself this question: If you rent out a flat (eg through a real estate agent) for 6 months, should the tenant have your phone number and residential address? No, they call the real estate agent.

For STRA, guests/occupants/neighbours do need the contact details of the host, but not just any member of the public.

Q33-34 lead time

Please give us a year! By January 2020 we will already be getting bookings for Christmas 2020 (if the past few years are anything to go by) so a year will give time to adjust to the new terms and conditions (and decide whether to continue being a host), upgrade where necessary in order to meet the new requirements, without cancelling anyone's plans. So, not before the end of 2020, please!

Q35-36 review

The proposed scope of the review looks sensible and well considered.

Thanks for inviting us to give feedback on the proposals!

Stewart & Louisa Dennis

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 3:51 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

Submitted on Wed, 11/09/2019 - 15:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Stewart

Last name

Dennis

Name withheld

No

Info

Email

sdennis1@bigpond.net.au

Suburb/Town & Postcode

Campbell 2612

Submission file

[submission-stra-s-l-dennis.docx](#)

Submission

Note that while we live mainly in the ACT, we do have a property in Wollongong which we list on AirBnB so we do have a stake in the new regulations and code.

In particular, we have a concern about 5.4.1 (a) for class 2 dwellings in the Fire Safety Standards. If we interpret it correctly, it means that within the apartment, the bedrooms, bathroom, and laundry which all open into an internal corridor inside the flat would need self-closing fire doors! These would be defeated by people simply propping these internal doors open because of the inconvenience of constantly having to open and close them just to walk around in the place you're living in. See further notes and comments about the other matters raised in the discussion paper which are in the attached document. By contrast, 5.4.1(b) does make sense - just having a self-closing egress door to keep smoke within a particular apartment and out of the communal corridors - people won't keep it propped open and it will do its job.

I agree to the above statement

Yes

From: Stewart Stubbs <stewartstubbs@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 providing safe, comfortable, clean affordable short-term accommodation to young and older budget travellers. I also enjoy the brief social contact with guests.

I also recommend local sights and activities, cafes, restaurants and shops in my local area. Guests appreciate this and businesses are promoted to boost tourism - a large industry in the Blue Mountains.

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
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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.

Regards,
Stewart Stubbs
72 Dalrymple Ave
Wentworth Falls, Nsw 2782

From: Stewart Wauchop <stewwauchop@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:17 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 my wife and I both retired and it provides a small income, allowing us to stay in our home, which we own and have lived in for more 43 years. Without this we would need to sell and move - this we do not want to do for obvious reasons. It also introduces us to a host of people, who we would never meet otherwise. we love it and feel that a raft of regulations would most likely end our happy retirement.

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.

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Thank you for reading my submission.

Regards,
Stewart Wauchop
76 Queenscliff Rd
Queenscliff, NSW 2096

Submission – Short-Term Rental Accommodation Framework

About Strata Sense

Strata Sense is a boutique property management company specialising in the management of premium residential and commercial strata buildings.

Strata Sense provides a fresh approach to strata management by pursuing new ways to add value to the properties we manage in addition to providing sound administration services.

Our response to the Discussion Paper

Strata Sense have focused on providing our feedback and comments on a majority of the questions raised in the Discussion Paper. These comments and feedback are based on our management experience and in particular our experience in managing schemes with a high volume of short-term letting apartments (e.g. schemes located Sydney Olympic Park and the Sydney CBD).

We are pleased to have this opportunity to make submissions in relation to short-term letting, as this industry has a significant impact for many of our clients and we are at the forefront of seeing both the positive and negative effects of short-term accommodation in strata schemes.

We wish to preface our submissions by advising that they come from a perspective and focus of the effect the proposed and existing legislation has on strata schemes and owners corporations. We have not put significant consideration into the impact short-term letting has on stand-alone/non-strata housing.

We consider that changes to the legislation and code of conduct to suit strata schemes as recommended below will not be in conflict with or have an impact on the legislative effect on stand-alone or non-strata housing.

Owners corporations are responsible for the maintenance and repair of the common property, and should ultimately regulate how the common property is being used. Several of our clients have experienced an overwhelming level of damage to the common property caused by short-term tenants, with no options to recover the cost involved in repairing that damage.

To highlight the impact that short term letting has on owners corporations, we have set out below some examples of incidents that have occurred or occur frequently due to short-term residents using the common property:

- a. Most noteworthy is that one of our client's buildings sustained damage upwards of \$2,000,000.00 after an Air BnB resident opened a fire hydrant on one of the uppermost floors of the building. This has had a lasting impact on the owners corporation from a significant insurance premium increase which reflects the insurers higher risk premium profile as a result of the scheme's insurance claim history.
- b. Fire doors often need to be replaced as short-term residents kick them or use other force to force them open where they do not have any other means of access to the building (e.g. lost access device, limited numbers of access devices, forgetting keys). Fire doors are expensive to replace as they are fire rated and must be made to fit the door, they cannot be simply cut to fit;
- c. Garage roller doors have been driven into or even through on several occasions resulting in damage of approximately \$20,000.00 for one building alone in the last 18 months;
- d. Parties and late-night noise disrupting permanent residents with no recourse as it is a "one-off" by that particular occupant each time;
- e. Residents or on-site management staff are threatened by short-term residents;
- f. Overcrowding is difficult to control as short-term residents do not have any controls in place to check how many people are staying at the dwelling (unlike hotels where staff are able to check people in and ensure occupancy limits are not exceeded).

We also consider it extremely concerning that the new fire safety requirements that are to be imposed on hosts/owners of the dwellings, are actually an imposition on the owners corporation as they relate to the changing of entry doors and wired alarm systems which are (in almost all buildings) common property.

We hope to see better options available to owners corporation's that empower them to make decisions whether to allow for short-term residents, to monitor and regulate short-term letting within their building in order to lessen the impact on residents, and to enable the recovery of costs where damage is caused by short-term residents and to ensure that the behaviour of short-term renters generally improves.

We strongly support the introduction of a mandatory registration system, which should be available to participants as well as the wider community. This should be monitored by a division of Fair Trading, much as contractor and agent licencing registration and regulation are monitored. Complaints should also be dealt with by Fair Trading, meaning there is one central entity for participants and other people to turn to and they are not passed between organisations or Councils.

We encourage the Government to ensure that the register is available to owners corporation's to facilitate better regulation of short term letting in strata schemes, and to assist the owners corporation's in undertaking their duties to maintain and repair the common property.

The short-term rental industry has a place and a significant economic value in NSW, and if properly regulated it can continue to flourish without causing detriment to the neighbours and corporations directly engaged with it.

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

From a global perspective, the legislation is an adequate start in regulating the short-term letting industry. There are certain issues that we foresee arising if certain adaptations or amendments are not made, which we will detail in our discussions below. In brief, the key issues that we identify across the legislation, regulations and standards are:

- a. Inability for owners corporation's to monitor or access the register or information on the register for the purposes of enforcing by-laws;
- b. Inability for owners corporation's to determine and monitor the number of guests allowed in each short-term residential operated lot;
- c. Unclear reporting and support process for owners corporation's wanting to report breaches short-term letting regulations both in general and under any by-law an owners corporation chooses to adopt;
- d. Fast and effective by-law enforcement options (particularly against overseas investors);
- e. Obligations on participants to disclose strata by-laws;
- f. Unclear process regarding participant registration and whether they are required to disclose strata by-laws to Fair Trading upon registration;
- g. Lack of clarity regarding increased fire safety requirements and who is responsible for these.

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

We understand that there will be additional fire safety requirements that must be installed in properties who wish to operate as short-term rental accommodation. We would expect that additional fire safety measures including preparation of evacuation signage will be at the cost of the lot owner undertaking short-term letting.

We have several concerns in this regard that we would like to see some clarification on:

- a. It is unclear who will be responsible for regulating these requirements and conducting inspections to ensure that the properties are compliant with the fire safety standards;
- b. In strata schemes, in most instances the owners corporation are ultimately responsible for the fire safety systems. In particular, entry doors to the lot are generally fire doors which are common property and are the responsibility of the owners corporation. If the current doors are not compliant, the owners corporation will be responsible for this non-compliance as the door is common property. This means that any damage, injury or death that occurs as a result of the non-compliant door will likely be the responsibility of the owners corporation. It is extremely unfair to place this onus on the owners corporation without their knowledge, and without proper guidance to ensure that an owners corporation can monitor/regulate this, or that some government body to monitor/regulate this.
- c. Do these requirements form part of the Annual Fire Safety Statement ("AFSS") for a strata scheme? That is to say, will the inspectors need to be made aware that particular lots are being used for short-term letting and therefore have additional

requirements? Will strata schemes be deemed non-compliant and not receive their AFSS if an inspector considers that a lot does not meet the requirements for short term rental accommodation? We would like to see clarity in the legislation that lot owners are responsible for these fire safety measures and any additional costs arising out of these (for example cost of installation, cost of inspections/certification, additional contributions towards annual fire safety inspections and the onus to notify the owners corporation of their short-term letting status so that fire inspectors are aware of the additional requirements to certify).

3. – No response

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

We do not consider the general obligations to be adequate, as they do not explicitly impose any penalty for non-compliance with strata by-laws. Non-compliance with strata laws and by-laws should be considered an offence for the purposes of the STRA. The enforcement procedures for owners corporation's under the *Strata Schemes Management Act 2015* can be lengthy and expensive, and additional protection (e.g. Fair Trading are able to place someone on the exclusion register for continuing or ongoing breaches of strata laws and by-laws) is critical to regulating short-term letting.

It is unclear and does not seem possible under the current proposed legislation, regulations and code for Fair Trading to enter someone on the exclusion register for continuing breaches of strata legislation and by-laws. This effectively leaves owners corporation's without remedy, as NCAT do not have the power to prohibit someone from undertaking short-term rental operations as a result of proceedings initiated by owners corporation's under the *Strata Schemes Management Act 2015*, and imposing a financial penalty does not often act as a deterrent for those making significant profit from short-term letting.

Part 6 of the Code implies that by-law contraventions can be used as evidence for a complaint, however it does not specify that these complaints are actionable.

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?

STRA should consider obtaining information from owners corporation regarding:

- a. the type and nature of various by-law breaches that occur;
- b. the cost of damage and repairs to the common property required due to incidents involving short-term renters; and
- c. administrative costs to strata schemes in managing short-term rental by-laws. For example, if the buildings have a registration or induction process, key collection procedure or are required to increase security.

Examples of costs incurred in several of the buildings we manage:

- a. In 2017 over \$2,000,000.00 was caused in damage due to a flood started by short-term renters who were misusing common property. This has had a lasting impact on the owners corporation from a significant insurance premium increase which reflects the insurers higher risk premium profile as a result of the scheme's insurance claim history.;
- b. Replacement of fire doors (approximately \$900 each time) in circumstances where short-term tenants have found themselves locked in fire stairs and unable to enter the building or the level of their apartment;
- c. Security patrol services being required in several buildings to monitor the behaviour of short-term letters in locations that attract young adults for particular events;
- d. The building manager and Strata Sense have spent approximately 20 hours managing various breaches of by-laws and security, issuing breach notices and following up with agents and occupants on a new building in the CBD in August alone. These costs are unfortunately borne by all owners in the respective scheme(s) despite many owners not participating in short term letting activities.

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?

The specific obligations imposed on booking platforms are not adequate as they do not extend to incorporate obligations that owners and their agents have in relation to owners corporations.

We recommend that an obligation is imposed that requires a copy of the by-laws and any other information relevant to short-term letting in the particular building be made available to guests who book through online platforms.

There should be two parts to this, firstly the advertisement should indicate whether there are any special rules that apply to short-term letting in the building (e.g. where applicable, key collection, bond/fee if necessary and registration must be completed through the building manager). Secondly, hosts and their agents should be required to supply a copy of the by-laws and any other relevant material upon confirmation of a booking. In addition, the booking platforms should notify the respective owners corporations of bookings details for the scheme's awareness to monitor breaches or tracking any possible damage to buildings.

The reason this is an issue, is set out at question 4 above. In short – ongoing breaches should result in penalty such as being placed on the exclusion register. NCAT and owners corporation's do not have any power to do this.

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?

The complaints procedure appears mostly adequate. We have three comments:

- a. We recommend that (assuming complaints will be made online) there is a graphic or depiction demonstrating the steps of your complaint and showing you what stage of the process your complaint is up to. One of the most frustrating issues we get in dealing with government agencies is not being informed as to the status of a request/application etc. This, in turn, causes frustration for our clients. To prevent this, it would be useful to be able to log in to an account where you can track your complaint and see what stage it is up to, what the next steps are, and what the turnaround time is likely to be until we reach the next stage.
- b. As strata managers we anticipate that we will make complaints on behalf of owners corporation's from time to time and it is important that the complaints process is set up to facilitate this course of action.
- c. It would be useful for Fair Trading to provide some guidelines as to the type of evidence that can be submitted, and the form that those submissions of evidence should be presented in. This would hopefully encourage participants and complainants to utilise prescribed forms and enable them to submit valid and comprehensive documents to facilitate a quick, cheap and just resolution. If the process is simplified, it will also reduce the need to engage lawyers or expend unnecessary costs.

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?

Clause 7.1.3 should include provision for breaches of strata by-laws. This will enable participants to be entered on the exclusion register for ongoing/repeated breaches.

See our comments above in relation to strata by-law breaches being an excludable offence.

The Draft Code of Conduct currently outlines (clause 6.2.5) that on a contravention of the by-laws, the Commissioner may only accept the complaint if the Tribunal has already made orders for financial penalty for the contravention of the by-law. We understand the intent to ensure proof of evidence, although this is reasonably foreseeable that there will be consistent themes in a STRA environment which should be clarified and constitute grounds for an immediate strike. These include; parking in visitor spaces, pets and noise. We suggest the inclusion of a Code of Conduct relating to STRA in a strata or community scheme as follows:

- a. Visitor Parking – owners corporations in strata premises should be permitted to have by-laws that permit visitor parking but require visitors to pay a levy to access visitor parking spaces. Alternatively, accommodation providers should be required to make STRA guests only park in their designated parking space.
- b. Offensive Noise - Further clarification should be given as to what is offensive noise in the STRA environment. This should be defined in the Code of Conduct as it will be a likely trigger for complaints. In addition, guests should be informed of offensive noise restrictions both prior to the booking and at the commencement of their stay.
- c. Pets – Guests should be informed of the by-laws specific related to the keeping of pets within the strata premises. Failure to adhere to the by-law should allow an immediate strike.

The mechanism for reporting such clarified breaches by a respective owners corporation could be through a portal where evidence is uploaded for the Commissioner's consideration.

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

Access should not be limited to industry participants; this should be available to owners corporation's to assist them in regulating short-term letting in their building as this has an impact on the use and management of the common property.

That being said, information on action taken, breaches that have been penalised and "strikes" should be available, along with the name of the host/agent and the street name and suburb of the dwelling. If further information is desired, for example the nature of the breach and the contact details of the host/agent, this should be requested from Fair Trading and made available if the reasons meet certain criteria. The criteria could be (for example) needing the contact details for service of notice of legal documents. This criteria would need to be further developed and included in the Fair Trading Amendment Regulation (if possible) or the Code of Conduct so that Fair Trading do not have ultimate discretion to decide, and have reasonable guidelines to turn to and rely upon.

By having information publicly available, accountability may be encouraged and hosts and agents might be encouraged to ensure that their dealings are compliant with the regulations.

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

Yes, the review process is clear. This information should be provided in a clear and comprehensive form on the Fair Trading STRA website so that participants are aware of their rights to have disciplinary action reviewed.

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?

Some short-term rentals are more profitable than others, meaning that in some instances the penalty (if monetary) will not be a deterrent to the behaviour being penalised. For example, we manage a high-end development in the Sydney CBD where the apartments are rented for thousands of dollars each weekend. A small monetary penalty will not be a deterrent to these owners who are wealthy in their own right, but are also bringing in thousands of dollars each month for short term letting.

In our view, it would be preferable to have a monetary penalty that was based on a percentage of the income made for either (depending on the nature of the breach):

- a. The particular stay that has led to the penalty action;
- b. The total income earned by that host in the previous financial year; or
- c. The total income earned by that host in the last quarter.

12. – No response

13. – No response

14. – No response

15. – No response

16. – No response

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

Those who directly benefit from the industry (i.e. hosts, agents and guests), should contribute to the costs. We consider that there is room for administrative costs to be levied as follows:

- a. By annual registration as a host or agent;
- b. Booking platforms should be required to pay an annual fee or a contribution on each booking should go towards administrative costs;
- c. Each booking could include a levy payable by the guest to Fair Trading as part of the booking for a stay in NSW.

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

Hosts should pay the highest proportion as they are the ones with financial gain and interest in the industry. Agents and booking platforms would come second, and the guests third with the lowest contribution.

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

See question 11.

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

We consider that the following systems and procedures may facilitate an efficient and effective registration system:

- a. A Fair Trading operated website should be designated to short term letting information and provide a portal for participants to log in to for further services;
- b. Through the online portal, a registration platform should be available for:
 - i. participants to submit their initial application along with an application fee to cover administrative costs involved in the initial registration and an annual fee;
 - ii. owners corporation's to register and pay an administrative fee in order to be provided with access to the register and receive alerts when a new registration is added at the address of the owners corporation;
 - iii. agents to register their details and pay an annual fee and registration fee;
- c. Fair Trading review and process the application to ensure:
 - iv. Details are correct;
 - v. Identification is verified;
 - vi. Contracts (for agents) are provided;
 - vii. Proof of ownership is verified;
 - viii. Proof of residence is verified;
 - ix. By-laws are provided and reviewed to ensure they do not prohibit short-term letting if the owner is not a permanent resident. Owners corporations should be notified of an application so that they may provide any information to Fair Trading that may be pertinent to the application (for example, that the lot owner has a history of overcrowding breaches).
- d. Successful applications are approved and entered into a register;
- e. There should be different "types" of registration, such as in-house hosts, or non-residence hosts, along with a calculation of the number of days booked so far in order to keep track and know when a participant is reaching the limit for their "type" of registration;
- f. If an application is added to the register, any owners corporation registered at that address receives a notification alerting them to the new registration, it will also let them know whether the applicant is a resident, or is a non-resident host;
- g. A log-in portal should be available for participants to log in and see the status of their application and, once approved, enable them to pay their annual fee;
- h. Using AI, a system could be established that will monitor payment of fees and de-register participants if fees are not paid;
- i. The website should include an online complaints form, where people can lodge complaints;
- j. Once complaints have been received, the complainant should have access to a tracking system so they know how their complaint is progressing by logging in to the portal and they will understand what steps need to be taken;
- k. Access to a register showing those participants who have been struck-off should also be available through a website designated to short-term rental services.

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

The NSW Government are best placed to properly assess this; however, we would anticipate the following costs would need to be considered:

- a. Registrations – monitoring, data entry, review, updating and removing,
- b. Software development and updates
- c. Complaints – processing, making decisions, liaising with complainants and participants, mediation/conciliation (similar to Tribunal process but with adjudication on paper rather than hearings);
- d. Other admin – general queries, industry updates, postal services

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

Fair Trading should develop and oversee the register. The Government should consider engaging an independent person to either oversee the process or to inspect the process and ensure that it meets the needs of the end user, as well as the relevant laws and regulations.

23. Are there other outcomes a register should deliver?

The register should also provide owners corporation's with a means of auditing short-term letting in their building for the purposes of enforcing any short-term letting by-laws or otherwise ensuring compliance with strata rules and by-laws by owners, occupiers and guests to the building.

24. – No response

25. – No Response

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

Yes, there should be additional penalties for a failure to register. This could be in the form of a fine and would go towards STRA industry costs. There should also be a stand-down period of 6-12 months for failure to register, depending on the nature of the failure. For example, a failure to register is an immediate 6-month stand-down (where the participant cannot short-term let their dwelling), increasing to 12 months for those who have received prior notice yet continued to operate without registration.

Additionally, a monetary penalty should be imposed on booking platforms who do not first verify that a host or agent is registered.

27. What information should the register collect? Why?

The proposed data contained in the Discussion Paper appears sufficient. The onus should be on the participant to ensure that the data is updated. For example, booking platforms should be required to migrate booking data to the register.

Some of this data should be available to owners corporation, such as the name and contact details, apartment address, records of breaches/enforcement action/"strikes" and number of days booked throughout the year.

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

It should be the responsibility of each industry participant to register their own information and provide all relevant documentation for STRA industry to be able to process it.

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

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

Yes, information should be available to the public via a "quick search" function as follows:

- a. Name of host/agent;
- b. Street name and suburb of dwelling;
- c. Whether the dwelling is in a strata plan;
- d. Whether the host/agent has any "strikes";
- e. Whether the host resides at the dwelling or not;

- f. The total number of days the dwelling has been booked so far that year.

This will allow for transparency without compromising the privacy of the host. It will enable participants and owners corporation's to quickly check the register for information, without having to log in and make formal requests/subscribe to an annual service. For further information such as contact details, enforcement action or breach records, the person must be registered to the portal and pay a subscription or nominal administrative fee in order to have access throughout the year.

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?

Government and local Councils should have access to this information as required, rather than being provided with a report. This should be facilitated either by permitting Government and local Council's access to the website portal, or by a request process to Fair Trading. The issue in having a request process is that the turnaround time may be lengthy, and is not efficient for the purposes of obtaining information promptly.

If portal access can be provided Government and local Council's will be able to access the information they need, as they need it.

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

See question 30.

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

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

In response to both questions 33 and 34, we do not have any comment on the lead time as we do not know what steps will need to be taken by the Government to establish the industry. We do consider that it needs to be done as soon as possible, as the legislative changes were made some time ago and participants and owners corporations are in limbo waiting for the next steps to be actioned.

We consider that a staged implementation is appropriate. Owners corporations are presently in limbo, unable to enforce new by-laws but desperately wanting to get a handle on their short-term letting situations. We support the implementation of the new legislation this year, with the registration process to follow in early-mid 2020.

This will enable the industry to exit the "holding-period" it has been in whilst waiting for certainty around the new regulations and will benefit all those affected by the short-term letting industry.

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

The proposed scope is mostly adequate, we recommend that it is also used as an insight into the most common issues experienced in strata that are a result of short-term letting. A further submission period should be permitted as the new regulations reach their 12 month anniversary which will call for comments and critiques on the application of the regulations so far, and whether it adequately meets the needs of those impacted.

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?

Industry participants, strata and building managers and owners corporations will be valuable sources of data. As mentioned above, a call for submissions would be an appropriate means of collecting this data.

An online feedback forum could also be useful, where people can complete a form with specifically targeted questions covering issues that the industry is facing.

Summary

In summary, we do not consider that the legislation and code adequately provide for owners corporations and would like to see further regulations introduced to provide greater clarity or authority on the following:

- a. Owners corporations should be allowed to decide whether short-term letting is permitted in their building, subject to a special resolution.
- b. A register should be established that is accessible by owners corporation's to assist them in enforcing any by-laws or rules in place pertaining to short-term letting.

- c. Through the register, owners corporation's should be able to access information pertaining to any lot that is in their strata scheme.
- d. The register should include details of any strikes or breaches and this should be available to owners corporation's in order to monitor the use of the common property by short-term residents of that particular lot.
- e. Owners corporation's should be empowered to charge administrative fees to owners where costs are incurred in monitoring compliance with by-laws and use of the common property.
- f. Owners corporation's should be empowered to determine and monitor occupancy of lots being let as short-term accommodation in order to prevent overcrowding and mitigate risks associated with overcrowding.
- g. A clear and simple reporting system should be established for owners corporation's to report by-law and other breaches relating to short-term letting. Owners corporation's should not need to obtain NCAT orders before a breach of by-law can be reported and penalty action taken by the STRA industry as this is not cost effective or efficient.
- h. An obligation should be imposed on participants to disclose by-laws to guests prior to check-in.
- i. The legislation should make explicitly clear that the lot owner is responsible for additional fire safety requirements, including installation, costs and certification.
- j. It should also be clarified that the owners corporation is not responsible for any breach of these requirements and that additional costs incurred in obtaining the AFSS (e.g. additional time is spent by the fire inspector ensuring the lot is compliant or rectifying non-compliance) will be met by the owner of the lot.

Kind regards,



Tamara Ford

Strata Manager

Strata Sense

Suite 207, 50 Holt Street, Surry Hills NSW 2010

Email: info@stratasense.com.au

Phone: 1300 859 044

11 September 2019

From: Stuart Alcock <stuartalcock3@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 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...

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.

Regards,
Stuart Alcock
Canea Cres
Allambie Heights, Nsw 2100

From: Stuart Comino <stuartcomino@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
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Thank you for reading my submission.

Regards,
Stuart Comino
4 Kurrawa Ave
Coogee, Nsw 2034

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 3:24 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

Submitted on Wed, 11/09/2019 - 15:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

STUART

Last name

RILEY

Name withheld

No

Info

Email

STUBOYRILEY@GMAIL.COM

Suburb/Town & Postcode

1/31 Kennealy St Surrey Hills Vic

Submission

Re; Proposed changes to STRA is Brunswick Heads & Byron Shire NSW

My wife and i currently own a flat in Brunswick Heads which we use regularly when we are visiting, the rest of the time we Holiday Let our flat.

We do this to offset some of the costs associated and to make it easier for us to spend time in the shire

that we love,

We have the flat managed by a local agent and we adhere to all regulations currently in place by council and the body corporate.

It is a flat in a block surrounded by permanent tenants so we are very sensitive to the fact that our neighbors do not want to be disturbed by noise or anything else associated with having guests in our flat, we have very strict rules regarding noise and behavior and as a result we do not have complaints.

With regards the new changes to the STRA,

Firstly we would not be able to absorb any further costs, we are not making a profit to start with and any further cost involved in having our flat as a holiday rental would simply have us cease us running it as a holiday rental; i.e we would pull it from the holiday market;

The same would apply to having more administrative work involved in running the holiday rental; this would simply have us cease us running it as a holiday rental; i.e we would pull it from the holiday market;

We know that our tenants service the eateries, shops and general business in Brunswick Heads & Byron Shire, if we stop allowing visitors this will no doubt have a reduced effect on local business,

My wife and i are active in two body corporates in the shire as well as the Brunswick chamber of commerce, we speak with locals constantly and we know that our thoughts on this are reflected by everyone we have discussed STRA with, i.e everyone we know that is currently running a STRA at present have said that they would cease doing so if the new regulations come into effect, it simply wouldn't be worth the effort. In our case it would be easier to leave the flat vacant while we arent in town. As i said we are not doing it for the money and if the Byron Shire think that holiday letting is a big money spinner for the owners then they had better do a bit more research, because it isn't.

Kind regards

Stuart Riley

I agree to the above statement

Yes

From: ElectorateOffice LakeMacquarie
<ElectorateOffice.LakeMacquarie@parliament.nsw.gov.au>
Sent: Wednesday, 11 September 2019 10:54 AM
To: DPE PS STHL Mailbox
Subject: Submission
Attachments: STRA Submission - Piper, G 110919 .pdf

Please see attached submission from Greg Piper, MP.

Regards



Dianne Sykes, JP

Senior Electorate Officer
LAKE MACQUARIE ELECTORATE OFFICE

92 Victory Parade, Toronto NSW 2283
E lakemacquarie@parliament.nsw.gov.au
P 4959 3200
F 4959 4076

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From: Sue Martin <sjmartin46@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Sue Martin
3 Manooka Pl
Kareela, Nsw 2232

From: Sue Taylor <taylfam@bigpond.net.au>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 we live in a fabulous area that is loved by local and international guests alike and it provides a steady income.

The Airbnb host community depends on hosting as an economic lifeline to help us pay 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.

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- Respect the ancillary use of my home for home sharing
- Mandate smoke alarms – either battery operated or hard-wired

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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.

Regards,
Sue Taylor
5 Allora Ct
Woollamia, Nsw 2540

From: Supitchaya Lloyd <supitchaya.australia@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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Thank you for reading my submission.

Regards,
Supitchaya Lloyd
174 Fairfield St
Fairfield East, Nsw 2165

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 3:22 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

Categories: rob submission 2.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 15:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Regional

Last name

NSW

Name withheld

Yes

Info

Email

members@visitregionalnsw.com.au

Suburb/Town & Postcode

Queanbeyan 2620

Submission file

[support-regional-nsw-rentals_0.pptx](#)

Submission

Please view Presentation attached and video link of hundreds and hundreds of affected homes in Regional NSW.

1. Submission:

<https://youtu.be/cE1pjWZ-eO8>

2. Video of about 1000 homes in Regional NSW affected by can of 12 guests

<https://youtu.be/JDKq6CKIVnw>

SUPPORT US. Support Regional NSW

SCRAP the CAP

of 12 guests for Regional NSW

Protect hundreds of Regional Families and homes

- Protect Regional Tourism
- Protect Farmers
- Protect local jobs
- SCRAP the CAP for Regional NSW

SHORT-TERM RENTAL CAP OF 12 GUESTS

= ECONOMIC LOSS over

\$565,200,000.00 pA

• For us:

- Unsustainable to keep our small farm
- We may need to Sell our farm
- A Loss of direct local jobs x 4
- Loss of indirect jobs in community
- Hundreds of thousands of \$ in the community lost
- Average guest size 30 with no where to stay as hotels are not an option for family reunions, schools, etc

• For REGIONAL NSW

• \$565,200,000.00 lost in the economy pA If 20 guests is an average for these >12 guest homes

• \$367,380,000.00 per year lost that's if 1000 homes affected x 13 guests (reality is many rural homes have 20-40 guests) x \$157 spend per person x 180 days of rental.

- = Loss of thousands of direct and indirect jobs affected in NSW
- =- Devastation for farmers relying on tourism

I agree to the above statement

Yes

From: Susan Barnes <zus@iprimus.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Susan Barnes
125 The Esplanade
Oak Flats, Nsw 2529

From: Susan Barnett <susanleebarnett@icloud.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 live in a beautiful area and have a renovated guest house. I am a self funded retiree

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.

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Regards,
Susan Barnett
15 The Grove
Austinmer, Nsw 2515

From: Susan Bennett <susan@totalwhssolutions.com.au>
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...

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 always provide information of local tourist destinations and have return visitors who really enjoy the beautiful area in which I live.

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".

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Regards,
Susan Bennett
85 Castlereagh Hwy
Capertee, Nsw 2846

From: Susan Cocker <suecbusiness@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 like to share what I have with others and people who live overseas so they get a unique experience.

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.

How different is this to renting out a holiday rental with an agency. I could do this with a local agent but prefer to use Airbnb as my holiday letting agent. The current proposals are unfair and directly aimed at Airbnb. If this goes ahead surely it will have to apply to all holiday rentals and short stays around NSW. Big mistake.

Also, you can home share with international students. Will the rules apply to this or is it truly just Airbnb hosts.

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.

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Thank you for reading my submission.

Regards,
Susan Cocker
39 Palmer St
Balmain, Nsw 2041

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 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

Categories: Purple category

Submitted on Tue, 20/08/2019 - 17:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Susan

Last name

Durman

Name withheld

No

Info

Email

sue@keydex.com.au

Suburb/Town & Postcode

2009

Submission

My issue with the Short Term Leasing regulations/law is that whilst it allows for blocks of apartments to have short term leasing within the building with 75% occupier approval, it does not allow for buildings to ban short term leasing even if that building has a majority of people wishing to do so. My apartment block does not want to allow short term leasing because of issues with our security and because we all pay levies for the facilities and amenities and we do not wish to have people making a profit from allowing strangers to use the facilities. We are currently 80% owner occupier with 20% rental. The only people that would want to do short term leasing are the renters. We do not feel they have the right to do short term leasing when those of us who reside here permanently do not. The renters are not part of our long standing community within the building. I originally wrote about this issue when I was Secretary of our Strata Committee. I have since stepped down from that position but know that the desire in the building is to be able to ban short term leasing. It is only fair that if some buildings have the right to allow short term leasing then by the same token, those buildings that wish to ban it should be allowed to do so. It is frustrating to not be allowed to make decisions about who we allow into building which is our home.

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: Susan Graham <justpropertyrentals1@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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We love the Southern highland & all it has to offer & want to share it with the world.

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11 Arthur St
Moss Vale, Nsw 2577

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Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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I host on Airbnb because as a self funded retired person it helps me have a better life style and pay my bills. I also enjoy meeting people from all around the world and giving them a unique and enjoyable experience of Australia.

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Regards,
Susan Ives
452 Old Princes Hwy
Sutherland, Nsw 2232

From: Susan Jessee <susanjessee@earthlink.net>
Sent: Tuesday, 17 September 2019 4:09 PM
To: DPE PS STHL Mailbox
Subject: STRA Discussion Paper

Follow Up Flag: Follow up
Flag Status: Completed

Comments from Susan Jessee
127 Kent Street Unit 810
Millers Point 2000

I am concerned that AirBnB rentals in my Strata building will change the whole atmosphere of the environment I bought into last year.

I have felt very comfortable knowing the concierges and other residents know who should be here. Previously I had 30 years of living with a household security system and I don't feel exposed here without one as I feel that the environment is known and safe. I'm 72 now and the stability of my environment is an increasing concern.

I've experienced one building evacuation due to a fire alarm. Being on the 8th floor with a cracked kneecap it wasn't fun getting down to the first floor. My supposition is that more transient residents increases the likelihood this will happen again: someone makes the unit smoky and opens the door to the common area and all hell breaks loose.

On a much more petty level the current residents have a hard enough time figuring out the recycling rules. Temporary residents would more likely misfile or just dump everything into the garbage chute.

The residents here are not transient. Most have lived here a number of years, even if they are renting. There are a number of established clubs and organizations. I do not look forward to sharing the gym and swim facilities with people who are expecting a hotel. There are enough hotels in Sydney.

Please allow us to continue to manage our own living arrangements.

Sincerely,
Susan Jessee

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 7:53 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

Submitted on Wed, 21/08/2019 - 07:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

SUSAN

Last name

Meehan

Name withheld

No

Info

Email

psmeehan@bigpond.com

Suburb/Town & Postcode

Ballina 2478

Submission

Holiday letting is part of the Australian way of life, my grandparents hired holiday houses on the coast as an affordable way to include the extended family, as do I and my children so my grandchildren can also

be included.

The way we rent / book them has changed so now more folk can access them. This is the way of the future. Also people should be able to do what they like with their own property.

Misbehaviour is a Police matter, and would occur in a minuscule number of properties.

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: SUSAN Meehan <psmeehan@bigpond.com>
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...

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.

Regards,
SUSAN Meehan
76 Bayview Dr
East Ballina, Nsw 2478

From: SUSAN REYNOLDS <alpacafarmvisit@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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 as a farmer, it allows me to showcase what we do and why we love farming life. It provides a very modest income that assists with payment of rising feed costs. It provides a connection with guests from other locations, countries, cultural backgrounds and a platform to promote further exploration of Australia.

The Airbnb host community depends on hosting as an economic lifeline to help us pay for animal feed and the bills. I also recommend my favourite cafes, restaurants, attractions and shops so small businesses get a boost from local tourism. In a small town, this is very important and appreciated.

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.

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Thank you for reading my submission.

Regards,
SUSAN REYNOLDS
24 Reservoir Rd
Crookwell, Nsw 2583

From: Susan Schepisi <sueschepisi@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 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.

Regards,
Susan Schepisi
2635 Mount Darragh Rd
Wyndham, Nsw 2550

From: Susan Sheedy <homebudgewoi@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 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.

Regards,
Susan Sheedy
10 Cudgegong St
Budgewoi, Nsw 2262

From: Susanne Devetak <macsdevo@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Susanne Devetak
1 Warri Cres
Macmasters Beach, Nsw 2251



10/09/2019

Director, Housing and Infrastructure Policy
GPO BOX 39
Sydney, NSW 2000

Dear Sir/Madam

RE: Short-term-rental accommodation reforms

Thank you for the opportunity to provide comment on the draft instruments and regulations that will introduce the state-wide planning framework and mandatory Code of Conduct for short-term-rental accommodation (STRA).

The Sutherland Shire supports STRA from a tourism perspective. There are over 400 Airbnb listings in the Sutherland Shire. STRA provides additional accommodation options for visitors to the Sutherland Shire, at a range of price points. It allows more people to stay here, bringing economic benefits to the area, especially for local businesses. Council has found that the development of traditional forms of tourist and visitor accommodation has not been feasible for developers and STRA helps to fill the gap.

Council's submission is intended to assist the drafting of the reform package to make it stronger and to ensure community confidence in the operation of this industry.

Due to the timeframes required to provide a report to a Council meeting, the attached submission has been endorsed by the elected Council. Council will consider the matter on 21 October after which a final decision will be made.

Yours sincerely,

Mr Mark Carlon
Manager Strategic Planning

Submission: Sutherland Shire Council

While the package of reforms is generally an improvement on previous proposals and has responded to Sutherland Shire Council's earlier submissions, the following deficiencies and risks are noted. Council requests that these are addressed to ensure that the community can have full confidence in the operation of STRA.

Fire Safety

The draft State Environmental Planning Policy does not directly refer to the proposed *Short-term Rental Accommodation Fire Safety Standard*. When a host, neighbour or Council officer are reading through the draft SEPP, there is currently nothing to indicate that a higher standard of fire protection is required for STRA. This may lead to hosts operating short-term rental accommodation without installing the correct fire safety devices or procedures. Including a direct reference in a note or other provision of the draft policy would make it more obvious to hosts that additional fire safety requirements apply.

The proposed exempt development process does not provide any mechanism for checking that the fire safety requirements have been met and maintained. The risk is that the problems with a property will not be identified until after a fire occurs. A requirement for regular fire safety inspections and certification as part of host registration could be a way to address this problem. A certifier could provide something like an occupation certificate to verify that the existing dwelling meets the requirements of the exempt development provisions and that all fire and pool safety requirements have been met. This occupation/STRA use certificate could be provided as part of the short-term rental accommodation registration process.

Annual fire safety inspections could be implemented through an amendment to Clause 167 of the Environmental Planning and Assessment Regulation 2000 which would extend existing fire safety inspection provisions to STRA.

Public Notices & Signage

Signage or a notice at the entrance to the property should be used to indicate that it is being used for short-term rental accommodation. In a multiple dwelling situation, the notice should be attached to the front door. In a detached house, the signage could be located in the front yard.

Signage helps to set the expectations of neighbours, and ensures that any impacts of the activity do not come as a surprise. Secondly, the signage should provide contact information for the host so that issues can be resolved directly between neighbours and the host as much as possible. Finally, the signage should list the unique registration number for the short-term rental accommodation property so that neighbours can verify the rules under which the property is operating and easily make complaints directly to the Department of Fair Trading.

Waste Management

The draft requirements at present do not mention waste disposal. A property which is almost continuously occupied by up to 12 people is likely to produce far more waste than a typical residential property. High occupancy properties should be required to provide sufficient waste storage or disposal services to meet the needs of their occupants.

Clearer Exclusion of Ancillary Structures

Council's previous submissions expressed concern that ancillary structures such as sheds and studios should not be used for short term rental accommodation. The draft SEPP gives effect to this indirectly by requiring that short term rental accommodation be undertaken only in an existing lawful dwelling. To avoid misinterpretation, the draft SEPP should also state clearly that ancillary structures cannot be used for the purpose of short-term rental accommodation.

Requiring an inspection and occupation/use certification requirement prior to registration as short-term rental accommodation, would ensure that inappropriate structures are not used.

No Exclusion of Caretakers' Flats

Caretaker residences in commercial, industrial or community buildings are not excluded. These residences are permissible under 5A.15 of the Commercial and Industrial (New Buildings and Additions) Code through complying development in many cases. The intent of these residences is to facilitate on-site supervision of premises, but in high amenity locations short-term rental accommodation may be

lucrative. Excluding the use of caretaker residences for short-term rental accommodation will help to ensure that they continue to be used as originally intended.

Interaction with SSLEP2015 – Dual Occupancies as an Additional Permitted Use

Some unintended conflicts emerge between the draft policy and the provisions of the *Sutherland Shire Local Environmental Plan 2015*. Specifically, owners of dual occupancies in the E4 Environmental Living and E3 Environmental Management zones will be prevented from undertaking short-term rental accommodation under the draft policy wording.

The draft SEPP requires that short-term rental accommodation can only be exempt or complying development if “*...the development is carried out on land in a zone in which in which residential accommodation of a type corresponding to the dwelling is permitted with or without development consent*”. This wording does not respond to Additional Permitted Uses (APU) listed in Schedule 1 of Standard Instrument local environmental plans.

The Sutherland Shire has many suburbs which are bushfire prone or could be isolated in the event of a bushfire. Following the recommendations of the Royal Commission into the 2009 Black Saturday Bush Fires in Victoria, the Sutherland Shire has sought to limit permissibility for additional density to mapped Additional Permitted Use areas in the Sutherland Shire Local Environmental Plan 2015 which are bushfire free and do not have restrictions on evacuation. Residents in these APU areas can undertake dual occupancies with consent, despite the use not being permissible in the E4 Environmental Living or E3 Environmental Management zones in the zoning table. The draft SEPP wording would appear to exclude a lawfully constructed dual occupancy in these zones from undertaking short-term rental accommodation.

An LGA specific variation clause, or more flexible wording of this provision is requested so that dwelling types permissible via LEP APU provisions can undertake Short-term rental accommodation.

Limited Role for Councils in Regulation

Council will have limited powers to regulate short term rental accommodation, confined only to enforcing the requirements of the draft policy rules or the conditions of any active development consent on the property. Other matters (such as parking issues and neighbourhood amenity) will typically fall within the terms of the draft code of conduct which is enforced by the Department of Fair Trading. This limits Council's ability to deal with neighbour complaints to onward referral.

It is concerning that the practical responsibility for responding to complaints and investigating breaches of the exempt and complying development provisions will be undertaken by Council, however the Department of Fair Trading is responsible for enforcing the code of conduct through penalties and the exclusion register. This split of responsibilities is likely to create problems of coordination and inconsistent decision making.

Council is likely to be the first point of contact for many complaints, regardless of whether a specific property is operating in violation of the exempt and complying development provisions or the code of conduct. It is suggested that standard minimum information requirements for complaints be published so that Council can collect these complaints in a standard form and refer them to the Department of Fair Trading as easily as possible.

The Department of Fair trading will need to cover its costs for enforcing the code of conduct if the entire framework is to be delivered at no cost to government. Will Councils be able to share in fees or penalty revenue in order to cover their costs? Are there any other options for Councils to recover their costs in relation to managing the impacts of short-term rental accommodation?

Concern Regarding the Industry Operated Register

The proposed industry operated register of hosts, properties and guests is critical to ensuring that the industry is regulated and penalties are enforced. The register does not yet exist. It is not clear who will be responsible for the quality of the information in the register or whether Council will have access. Given the scale of the international platforms that dominate this industry, it is not clear how platforms will be compelled to participate. Without an effective register, the proposed code of conduct and other rules are very difficult to enforce.

In order to create certainty in the regulatory environment for STRA, Council requests that the Department of Fair Trading assumes responsibility for operating the register. This will ensure that

statistics and compliance matters can be consistently tracked across the whole state and for all participants across all platforms.

The requirement to register all STRA should be included in the proposed SEPP. This will ensure that Council can take action against rogue operators under EP&A Act powers and make it clear to potential hosts that the registration requirement is mandatory.

Responses to the Suggested Questions

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

A range of issues and risks exist in the draft provisions as detailed above:

- No mechanism to ensure compliance with fire safety standards in the exempt development provisions.
- Caretakers' flats are not excluded, but probably should be.
- Dwelling types permissible through Additional Permitted Use provisions of LEPs are excluded, but probably should not be.
- Beyond existing consent conditions or basic permissibility and some development standards in the draft SEPP, Councils have few mechanisms to regulate this use from a compliance perspective.

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

There are elements of the draft SEPP instrument that are open to misinterpretation:

- Exclusion of class 10 structures should be explicitly stated in a provision or a note.
- There are no reference or notes in the draft SEPP to fire safety standards applying to different types of dwellings.

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

The register will be crucial for tracking the occupancy of properties and ensuring that they are compliant with the 180 day limits. The requirements on flood control lots and bushfire prone land appear to be comprehensive and should be sufficiently clear for a private certifier to interpret.

Short-term rental accommodation platforms could be of assistance to emergency services by providing an extra mechanism for contacting their customers and hosts during emergencies, and providing estimates of the number of visitors in affected areas.

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?*

Sufficient information is required to enable the connection of complaints to the subject short-term rental accommodation properties, hosts and platforms. The register information should be aligned with a minimum standard required of complaints, so that the information in them can be cross referenced and analysed.

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?*

Hosts should provide house rules based on template guidelines provided by the Department of Fair Trading – such as maximum on street parking, noise and limits on noisy or disruptive activities like parties. This would ensure that the intent of the Code of Conduct is made clear to guests, and can provide confidence to neighbours that the STRA is being appropriately managed.

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?

Councils have historically played a default role in managing complaints between neighbours regarding the use of land and premises. Even if the Department of Fair Trading takes on this role, Councils will continue to be the recipients of many complaints. A dedicated Fair Trading Complaints hotline and website should be created to make it easy for Councils to refer complaints onward.

The Department should provide minimum standards for complaints. Minimum information requirements would ensure Councils can easily refer complaints with a useful amount of 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?

The grounds appear to be sufficiently broad so as to enable a strike to be recorded when necessary.

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?

The penalty should be comparable and proportional to the financial gain associated with code violation.

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

Platforms and hosts should contribute to the cost of enforcing the code, through an annual registration fee.

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

The penalty needs to be proportionate to the financial gain so that this is not just seen as a cost of doing business.

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

There are clear risks in self-regulation. Government must have a role in overseeing operation of the register. It is suggested that the Department of Fair Trading should host the register to ensure all participants have confidence that it is independent and fair.

23. Are there other outcomes a register should deliver?

There are many outcomes a register should deliver:

- Tracking of number of nights stayed as un-supervised STRA,
- Tracking complaints about specific properties, guests and hosts,

- Supplying information for guests, providing checks to monitor compliance.
- Collecting statistics for the tourism industry, and
- Tracking the house rules should be available for each property on the register.

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

This will be achieved if strong enforcement and real penalties apply which are proportional to the financial gain a host or platform might have received from non-compliance.

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

Random audits and inspections by the Commissioner should be a feature of the reforms, particularly of properties which attract complaints.

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

The penalties should be imposed on both the Host and the platform to ensure that there is a financial incentive to comply.

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

Hosts should do this directly, and then advise the platforms by providing copies of documentation.

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

The State should confirm that all licenses and safety requirements have been met as part of the registration process.

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

- Sufficient information for residents to confirm that a property is being operated in compliance with the requirements of the Code of Conduct and the SEPP.
- Contact information for the host so that complaints can be made directly to the host as a first point of contact.
- A summary of the "house rules" so that neighbours know what to expect from visitors.
- A count of how many days has the property been used for unsupervised STRA, towards the 180 day limit.

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, continuously through direct access to the register and statistical summary reports for each LGA on a quarterly basis.

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

When the register is ready to operate. The proposed regulation framework for this industry relies on the register. Trying to operate without the register could create situations where Council has lost the power to regulate a matter, yet the Department of Fair Trading would not have the register in place to facilitate State level regulation.

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?

Ideally, the State Government could join up a range of State and Local Government information sources related to land tax, development approvals, and land ownership. The NSW Planning portal is becoming a central place for planning data and should be considered. Councils also have agreements with third party consultants like ID to provide services such as Economy ID and Forecast ID which may provide useful background information to support a review of STRA.

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 5:43 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

Submitted on Tue, 10/09/2019 - 17:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Robert

Last name

McKinlay

Name withheld

No

Info

Email

rmckinlay@ssc.nsw.gov.au

Suburb/Town & Postcode

Sutherland 2232

Submission file

[2019-08-22-letter-submission-re---short-term-rental-accommodation-\(a6317515.pdf\)](#)

Submission

File Ref: 2015/228719

10/09/2019

Director, Housing and Infrastructure Policy
GPO BOX 39
Sydney, NSW 2000
Dear Sir/Madam
RE: Short-term-rental accommodation reforms

Thank you for the opportunity to provide comment on the draft instruments and regulations that will introduce the state-wide planning framework and mandatory Code of Conduct for short-term-rental accommodation (STRA).

The Sutherland Shire supports STRA from a tourism perspective. There are over 400 Airbnb listings in the Sutherland Shire. STRA provides additional accommodation options for visitors to the Sutherland Shire, at a range of price points. It allows more people to stay here, bringing economic benefits to the area, especially for local businesses. Council has found that the development of traditional forms of tourist and visitor accommodation has not been feasible for developers and STRA helps to fill the gap.

Council's submission is intended to assist the drafting of the reform package to make it stronger and to ensure community confidence in the operation of this industry.

Due to the timeframes required to provide a report to a Council meeting, the attached submission has been endorsed by the elected Council. Council will consider the matter on 21 October after which a final decision will be made.

Yours sincerely,

Mr Mark Carlon
Manager Strategic Planning

Submission: Sutherland Shire Council

While the package of reforms is generally an improvement on previous proposals and has responded to Sutherland Shire Council's earlier submissions, the following deficiencies and risks are noted. Council requests that these are addressed to ensure that the community can have full confidence in the operation of STRA.

Fire Safety

The draft State Environmental Planning Policy does not directly refer to the proposed Short-term Rental Accommodation Fire Safety Standard. When a host, neighbour or Council officer are reading through the draft SEPP, there is currently nothing to indicate that a higher standard of fire protection is required for STRA. This may lead to hosts operating short-term rental accommodation without installing the correct fire safety devices or procedures. Including a direct reference in a note or other provision of the draft policy would make it more obvious to hosts that additional fire safety requirements apply.

The proposed exempt development process does not provide any mechanism for checking that the fire safety requirements have been met and maintained. The risk is that the problems with a property will not be identified until after a fire occurs. A requirement for regular fire safety inspections and certification as part of host registration could be a way to address this problem. A certifier could provide something like an occupation certificate to verify that the existing dwelling meets the requirements of the exempt development provisions and that all fire and pool safety requirements have been met. This occupation/STRA use certificate could be provided as part of the short-term rental accommodation registration process.

Annual fire safety inspections could be implemented through an amendment to Clause 167 of the Environmental Planning and Assessment Regulation 2000 which would extend existing fire safety inspection provisions to STRA.

Public Notices & Signage

Signage or a notice at the entrance to the property should be used to indicate that it is being used for short-term rental accommodation. In a multiple dwelling situation, the notice should be attached to the front door. In a detached house, the signage could be located in the front yard.

Signage helps to set the expectations of neighbours, and ensures that any impacts of the activity do not come as a surprise. Secondly, the signage should provide contact information for the host so that issues can be resolved directly between neighbours and the host as much as possible. Finally, the signage should list the unique registration number for the short-term rental accommodation property so that neighbours can verify the rules under which the property is operating and easily make complaints directly to the Department of Fair Trading.

Waste Management

The draft requirements at present do not mention waste disposal. A property which is almost continuously occupied by up to 12 people is likely to produce far more waste than a typical residential property. High occupancy properties should be required to provide sufficient waste storage or disposal services to meet the needs of their occupants.

Clearer Exclusion of Ancillary Structures

Council's previous submissions expressed concern that ancillary structures such as sheds and studios should not be used for short term rental accommodation. The draft SEPP gives effect to this indirectly by requiring that short term rental accommodation be undertaken only in an existing lawful dwelling. To avoid misinterpretation, the draft SEPP should also state clearly that ancillary structures cannot be used for the purpose of short-term rental accommodation.

Requiring an inspection and occupation/use certification requirement prior to registration as short-term rental accommodation, would ensure that inappropriate structures are not used.

No Exclusion of Caretakers' Flats

Caretaker residences in commercial, industrial or community buildings are not excluded. These residences are permissible under 5A.15 of the Commercial and Industrial (New Buildings and Additions) Code through complying development in many cases. The intent of these residences is to facilitate on-site supervision of premises, but in high amenity locations short-term rental accommodation may be lucrative. Excluding the use of caretaker residences for short-term rental accommodation will help to

ensure that they continue to be used as originally intended.

Interaction with SSLEP2015 – Dual Occupancies as an Additional Permitted Use

Some unintended conflicts emerge between the draft policy and the provisions of the Sutherland Shire Local Environmental Plan 2015. Specifically, owners of dual occupancies in the E4 Environmental Living and E3 Environmental Management zones will be prevented from undertaking short-term rental accommodation under the draft policy wording.

The draft SEPP requires that short-term rental accommodation can only be exempt or complying development if “..the development is carried out on land in a zone in which in which residential accommodation of a type corresponding to the dwelling is permitted with or without development consent”. This wording does not respond to Additional Permitted Uses (APU) listed in Schedule 1 of Standard Instrument local environmental plans.

The Sutherland Shire has many suburbs which are bushfire prone or could be isolated in the event of a bushfire. Following the recommendations of the Royal Commission into the 2009 Black Saturday Bush Fires in Victoria, the Sutherland Shire has sought to limit permissibility for additional density to mapped Additional Permitted Use areas in the Sutherland Shire Local Environmental Plan 2015 which are bushfire free and do not have restrictions on evacuation. Residents in these APU areas can undertake dual occupancies with consent, despite the use not being permissible in the E4 Environmental Living or E3 Environmental Management zones in the zoning table. The draft SEPP wording would appear to exclude a lawfully constructed dual occupancy in these zones from undertaking short-term rental accommodation.

An LGA specific variation clause, or more flexible wording of this provision is requested so that dwelling types permissible via LEP APU provisions can undertake Short-term rental accommodation.

Limited Role for Councils in Regulation

Council will have limited powers to regulate short term rental accommodation, confined only to enforcing the requirements of the draft policy rules or the conditions of any active development consent on the property. Other matters (such as parking issues and neighbourhood amenity) will typically fall within the terms of the draft code of conduct which is enforced by the Department of Fair Trading. This limits Council’s ability to deal with neighbour complaints to onward referral.

It is concerning that the practical responsibility for responding to complaints and investigating breaches of the exempt and complying development provisions will be undertaken by Council, however the Department of Fair Trading is responsible for enforcing the code of conduct through penalties and the exclusion register. This split of responsibilities is likely to create problems of coordination and inconsistent decision making.

Council is likely to be the first point of contact for many complaints, regardless of whether a specific property is operating in violation of the exempt and complying development provisions or the code of conduct. It is suggested that standard minimum information requirements for complaints be published so that Council can collect these complaints in a standard form and refer them to the Department of Fair Trading as easily as possible.

The Department of Fair trading will need to cover its costs for enforcing the code of conduct if the entire

framework is to be delivered at no cost to government. Will Councils be able to share in fees or penalty revenue in order to cover their costs? Are there any other options for Councils to recover their costs in relation to managing the impacts of short-term rental accommodation?

Concern Regarding the Industry Operated Register

The proposed industry operated register of hosts, properties and guests is critical to ensuring that the industry is regulated and penalties are enforced. The register does not yet exist. It is not clear who will be responsible for the quality of the information in the register or whether Council will have access. Given the scale of the international platforms that dominate this industry, it is not clear how platforms will be compelled to participate. Without an effective register, the proposed code of conduct and other rules are very difficult to enforce.

In order to create certainty in the regulatory environment for STRA, Council requests that the Department of Fair Trading assumes responsibility for operating the register. This will ensure that statistics and compliance matters can be consistently tracked across the whole state and for all participants across all platforms.

The requirement to register all STRA should be included in the proposed SEPP. This will ensure that Council can take action against rogue operators under EP&A Act powers and make it clear to potential hosts that the registration requirement is mandatory.

Responses to the Suggested Questions

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

A range of issues and risks exist in the draft provisions as detailed above:

- No mechanism to ensure compliance with fire safety standards in the exempt development provisions.
- Caretakers' flats are not excluded, but probably should be.
- Dwelling types permissible through Additional Permitted Use provisions of LEPs are excluded, but probably should not be.
- Beyond existing consent conditions or basic permissibility and some development standards in the draft SEPP, Councils have few mechanisms to regulate this use from a compliance perspective.

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

There are elements of the draft SEPP instrument that are open to misinterpretation:

- Exclusion of class 10 structures should be explicitly stated in a provision or a note.
- There are no reference or notes in the draft SEPP to fire safety standards applying to different types of dwellings.

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

The register will be crucial for tracking the occupancy of properties and ensuring that they are compliant with the 180 day limits. The requirements on flood control lots and bushfire prone land appear to be comprehensive and should be sufficiently clear for a private certifier to interpret.

Short-term rental accommodation platforms could be of assistance to emergency services by providing an extra mechanism for contacting their customers and hosts during emergencies, and providing estimates of the number of visitors in affected areas.

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?

Sufficient information is required to enable the connection of complaints to the subject short-term rental accommodation properties, hosts and platforms. The register information should be aligned with a minimum standard required of complaints, so that the information in them can be cross referenced and analysed.

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?

Hosts should provide house rules based on template guidelines provided by the Department of Fair Trading – such as maximum on street parking, noise and limits on noisy or disruptive activities like parties. This would ensure that the intent of the Code of Conduct is made clear to guests, and can provide confidence to neighbours that the STRA is being appropriately managed.

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?

Councils have historically played a default role in managing complaints between neighbours regarding the use of land and premises. Even if the Department of Fair Trading takes on this role, Councils will continue to be the recipients of many complaints. A dedicated Fair Trading Complaints hotline and website should be created to make it easy for Councils to refer complaints onward.

The Department should provide minimum standards for complaints. Minimum information requirements would ensure Councils can easily refer complaints with a useful amount of 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?

The grounds appear to be sufficiently broad so as to enable a strike to be recorded when necessary.

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?

The penalty should be comparable and proportional to the financial gain associated with code violation.

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

Platforms and hosts should contribute to the cost of enforcing the code, through an annual registration fee.

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

The penalty needs to be proportionate to the financial gain so that this is not just seen as a cost of doing business.

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

There are clear risks in self-regulation. Government must have a role in overseeing operation of the register. It is suggested that the Department of Fair Trading should host the register to ensure all participants have confidence that it is independent and fair.

23. Are there other outcomes a register should deliver?

There are many outcomes a register should deliver:

- Tracking of number of nights stayed as un-supervised STRA,

- Tracking complaints about specific properties, guests and hosts,
- Supplying information for guests, providing checks to monitor compliance.
- Collecting statistics for the tourism industry, and
- Tracking the house rules should be available for each property on the register.

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

This will be achieved if strong enforcement and real penalties apply which are proportional to the financial gain a host or platform might have received from non-compliance.

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Ideally, the State Government could join up a range of State and Local Government information sources related to land tax, development approvals, and land ownership. The NSW Planning portal is becoming a central place for planning data and should be considered. Councils also have agreements with third party consultants like ID to provide services such as Economy ID and Forecast ID which may provide useful background information to support a review of STRA.

I agree to the above statement

Yes

From: SUTOPA PARRAB <sutoparules@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:14 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...

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.

Regards,
SUTOPA PARRAB
13 Caffery Circuit
Callala Beach, Nsw 2540

From: Suzanne Gratton <gratton.suzanne@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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.

Regards,
Suzanne Gratton
35 Boberah St
Wongarbon, Nsw 2831

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 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

Submitted on Wed, 11/09/2019 - 04:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Suzanne

Last name

Kelly

Name withheld

No

Info

Email

suz.2481@gmail.com

Suburb/Town & Postcode

Byron Bay, 2481

Submission

I am opposed to the proposed new planning policy for holiday letting. As a resident of Byron Bay, I have experienced the destruction of our community. Since the introduction of holiday letting, property prices have increased as private homes have been used as commercial businesses. Permanent rentals are unaffordable or non existent. Residential streets are filled with cars, as there is insufficient off road

parking, especially when so many garages are illegally converted to bedrooms. It is impossible for Short Term Holiday Letting industry to self regulate, and our council is already stretched to the limit with compliance issues.

Politicians with pecuniary interest in holiday letting should not be allowed to vote on this issue.

Worldwide there are moves to stop this insidious industry and I have no faith in the idea that it can be 'regulated'. It should be banned.

Neighbors, not strangers.

Suzanne Kelly

Byron Bay

I agree to the above statement

Yes

From: Suzanne Miller <suzanneleemiller@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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 there are no hotels in the Pearl Beach area and very few in the surrounding areas. We offer very affordable accommodation and mostly on the weekends. There is so much wear and tear on the property to rent this way and even after one year, we have to replace the bathroom and hall floors due to tenants flooding the bathroom a few months ago. However, this allows us and our young family to use the house ourselves when it is not rented.

We provide jobs for a local cleaning company in Umina. They are a husband and wife couple and without the income from Airbnb and stayz, would be destitute. We also provide jobs for regular maintenance, due to the heavy wear and tear the house receives. We also employed a whole team of local carpenters, painters, plumbers and electricians to renovate the house to the level needed for a popular rental on Airbnb. If the tax or tariffs were to increase on Airbnb and Stayz (they are already expensive) it would be price prohibitive to holiday rent and we would either sell or rent out permanently, which, in turn would kill the local tourist economy and this is the only way half the local community survives. The local cafe and one hat restaurant would surely close and the area would die a slow death.

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:

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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.

Regards,
Suzanne Miller
9 Wyong Rd
Mosman, Nsw 2088

From: Suzanne Miller <suzanneleemiller@gmail.com>
Sent: Thursday, 5 September 2019 11:04 AM
To: DPE PS STHL Mailbox
Subject: Please here our point of view

Dear Minister,

In the area we rent our house, Pearl Beach, the local economy around Umina rely heavily on the tourism industry around the central coast.

This is not limited to all the tourists we bring to the area and the local hospitality business but all the trades we employ just to keep the houses in their best working order. Because the properties receive a high volume of traffic, local cleaning companies, maintenance, plumbing and electrical (just to name a few) receive so much business from the holiday rental market.

To impose restrictions and price prohibiting fees for not much gain is nonsensical. Whole areas of coastal NSW and the highlands would literally die without that tourism industry... especially without the influx of weekend tourists that so many people rely on.

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards

Suzanne Miller
0420974667
Sent from my iPhone

From: Suzanne Pomana <pomanas100@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
Suzanne Pomana
359 Gannet Rd
Nowra Hill, Nsw 2540

From: Suzi Miller <suzanneleemiller@gmail.com>
Sent: Tuesday, 20 August 2019 4:42 PM
To: DPE PS STHL Mailbox

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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... not to mention the tax department.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Suzi Miller

44 Pearl Beach Drive

Pearl Beach NSW 2256

From: Suzie singleton <suziesingi@hotmail.com>
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.

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Specifically, I want to comment on the following:

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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.

Regards,
Suzie singleton
22 Murri St
Blackheath, Nsw 2785

Short-Term letting (STRA) –
Sydney Wharf Owners Corporation SP80052
Submission to NSW Government discussion paper
September 2019

1. **New Strata bye-law.** Strata schemes will be allowed to pass a bye-law that prohibits STRA for any lot where that Lot is not the Owner's principal residence.
 - a. Is "Principal Residence" the same as that determined by the ATO for tax purposes?
 - b. Is there a place of registration where a person's principal place of residence is registered.?
 - c. How can the strata scheme access this information to determine if a particular Lot is, or is not, the Principal Residence of the Owner.
 - d. What is the case where a Lot is held in a company or Trust name?
2. **Day Caps.** Determination of The draft law will allow a unit to be let out under STRA for up to 180 days per year ONLY if the Host is present. We submit that this should be a limit of 90 days per annum, rather than 180.
3. **Determination of HOST presence.**
 - a. How can the strata scheme determine whether or not the Host is present during a short-term letting?
 - b. How can the strata scheme determine the number of days that a host is, or is not, present during a short-term letting?
4. **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.
5. **The Register:** 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.
6. **Host Obligation:** There must be an enforceable obligation for hosts to register their premises on the Register AND with strata scheme 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.
7. **Platform Obligation:** There must be a legal obligation for platforms and agents not to list any unregistered residential dwellings for STRA. 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.
8. **Charges and Fees:** Residential strata schemes must have clear authority to levy additional charges and fees for additional wear and tear and costs whether STRA is hosted or un-hosted.

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 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

Follow Up Flag: Follow up
Flag Status: Completed

Submitted on Sat, 07/09/2019 - 19:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Ron

Last name

Cattell

Name withheld

No

Info

Email

ron@m-group.com.au

Suburb/Town & Postcode

Pyrmont 2009

Submission file

[submission-to-nsw-government-re-stra-sep-2019.pdf](#)

Submission

I attach a pdf file with our submission. The initial points are to do with the parent inability for an Owners Corporation to determine a) Whether a unit is or is not a principal residence, b) whether or not a host is present during a letting. c) The number of days of letting. In addition other concerns and recommendations are listed in the attached document .

Thanks

I agree to the above statement

Yes

From: T Dental Surgery <tdentalsurgery@optusnet.com.au>
Sent: Friday, 16 August 2019 6:21 PM
To: DPE PS STHL Mailbox
Subject: Re: Holiday rental regulations for NSW

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

From: Taja Bungate <tjabungate@hotmail.com>
Sent: Thursday, 5 September 2019 9:57 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Regards

Taja Bungate
0410 710 251

Short-Term Rental Accommodation Submissions



Preamble to submissions

We make these submissions as the Strata Committee for an owners corporation in the Sydney CBD that was completed in early 2019.

We are pleased to have this opportunity to make submissions in relation to short-term letting, as this industry has a significant impact on our building already in its short lifetime.

We wish to preface our submissions by advising that they come from a perspective and focus of the effect the proposed and existing legislation has on strata schemes and owners corporations. We have not put significant consideration into the impact short-term letting has on stand-alone/non-strata housing.

We consider that changes to the legislation and code of conduct to suit strata schemes as recommended below will not be in conflict with or have an impact on the legislative effect on stand-alone or non-strata housing.

Owners corporations are responsible for the maintenance and repair of the common property, and should ultimately be able to regulate how the common property is being used. Luckily, we have not experienced any damage to the common property to date, however based on examples we have heard from other strata schemes, it may only be a matter of time before we are impacted as well and our options to recover the costs incurred in this damage are costly to pursue.

To highlight the impact that short term letting has had on us so far, we have set out below some examples of incidents that have occurred in the last few months:

- a. Parties and late-night noise disrupting permanent residents with no recourse as it is a “one-off” by that particular occupant each time;
- b. Residents or on-site management staff are threatened by short-term residents;
- c. Overcrowding is difficult to control as short-term residents do not have any controls in place to check how many people are staying at the dwelling (unlike hotels where staff are able to check people in and ensure occupancy limits are not exceeded).

We are also concerned about the impact of the new fire safety requirements that are to be imposed on hosts/owners of the dwellings, as it is unclear whether these requirements will become an imposition on the owners corporation who are responsible for fire safety systems in the building.

We hope to see better options available to owners corporation’s that empower them to make decisions whether to allow for short-term residents, to monitor and regulate short-term letting within their building in order to lessen the impact on residents, to enable the recovery of costs where damage is caused by short-term residents and to ensure that the behaviour of short-term renters generally improves.

We strongly support the introduction of a mandatory registration system, which should be available to participants as well as the wider community. This should be monitored by a division of Fair Trading, much as contractor and agent licencing registration and regulation are monitored. Complaints should also be dealt with by Fair Trading, meaning there is one central entity for participants and other people to turn to and they are not passed between organisations or Councils.

We encourage the Government to ensure that the register is available to owners corporation’s to facilitate better regulation of short term letting in strata schemes, and to assist the owners corporation in undertaking their duties to maintain and repair the common property.

The short-term rental industry has a place and a significant economic value in NSW, and if properly regulated it can continue to flourish without causing detriment to the neighbours and corporations directly engaged with it.

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

From a global perspective, the legislation is an adequate start in regulating the short-term letting industry. There are certain issues that we foresee arising if certain adaptations or amendments are not made, which we will detail in our discussions below. In brief, the key issues that we identify across the legislation, regulations and standards are:

- a. Inability for owners corporation's to decide whether to allow short term residencies within their buildings and as a consequence losing control over the nature and characteristics of the buildings in which they have heavily invested in;
- b. Inability for owners corporation's to monitor or access the register or information on the register for the purposes of enforcing by-laws;
- c. Inability for owners corporation's to determine and to monitor the maximum number of guests allowed in each short-term residential operated lot;
- d. Unclear reporting and support process for owners corporation's wanting to report breaches short-term letting regulations both in general and under any by-law the owners corporation chooses to adopt;
- e. Fast and effective by-law enforcement options (particularly against overseas investors);
- f. Obligations on participants to disclose strata by-laws;
- g. Unclear process regarding participant registration and whether they are required to disclose strata by-laws to Fair Trading upon registration;
- h. Lack of clarity regarding increased fire safety requirements and who is responsible for these.

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

We understand that there will be additional fire safety requirements that must be installed in properties who wish to operate as short-term rental accommodation.

We have several concerns in this regard that we would like to see some clarification on:

- a. It is unclear who will be responsible for regulating these requirements and conducting inspections to ensure that the properties are compliant with the fire safety standards;
- b. In strata schemes, in most instances the owners corporation are ultimately responsible for the fire safety systems. In particular, entry doors to the lot are generally fire doors which are common property and are the responsibility of the owners corporation. If the current doors are not compliant, the owners corporation will be responsible for this non-compliance as the door is common property. This means that any damage, injury or death that occurs as a result of the non-compliant door will likely be the responsibility of the owners corporation. It is extremely unfair to place this onus on the owners corporation without their knowledge, and without proper guidance to ensure that an owners corporation can monitor/regulate this, or that some government body to monitor/regulate this.
- c. Do these requirements form part of the AFSS for a strata scheme? That is to say, will the inspectors need to be made aware that particular lots are being used for short-term letting and therefore have additional requirements? Will strata schemes be deemed non-compliant and not receive their AFSS if an inspector considers that a lot does not meet the requirements for short term rental accommodation?

- d. It appears that for properties who wish to operate as short-term rental accommodation, the additional costs of additional fire safety requirements ultimately lie with the owners corporation. Such additional costs have not been properly & equitably addressed in the draft instrument. We would like to see clarity in the legislation that lot owners are responsible for these fire safety measures and any additional costs arising out of these (for example, cost of installation, cost of inspections/certification, additional contributions towards annual fire safety inspections and the onus to notify the owners corporation of their short-term letting status so that fire inspectors are aware of the additional requirements to certify).
4. – No response
5. **Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?**

We do not consider the general obligations to be adequate, as they do not explicitly impose any penalty for non-compliance with strata by-laws. Non-compliance with strata laws and by-laws should be considered an offence for the purposes of the STRA. The enforcement procedures for owners corporation's under the *Strata Schemes Management Act 2015* can be lengthy and expensive, and additional protection (e.g. Fair Trading are able to place someone on the exclusion register for continuing or ongoing breaches of strata laws and by-laws) is critical to regulating short-term letting.

It is unclear and does not seem possible under the current proposed legislation, regulations and code for Fair Trading to enter someone on the exclusion register for continuing breaches of strata legislation and by-laws. This effectively leaves owners corporation's without remedy, as NCAT do not have the power to prohibit someone from undertaking short-term rental operations as a result of proceedings initiated by owners corporation's under the *Strata Schemes Management Act 2015*, nor does it allow the owners corporation to impose an administrative charge on the offending short-term rental operator for inconvenience caused and imposing a financial penalty does not often act as a deterrent for those making significant profit from short-term letting.

Part 6 of the Code implies that by-law contraventions can be used as evidence for a complaint, however it does not specify that these complaints are actionable.

6. **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?**

STRA should consider obtaining information from owners corporations regarding:

- a. the type and nature of various by-law breaches that occur;
- b. the cost of damage and repairs to the common property required due to incidents involving short-term renters; and
- c. administrative costs to strata schemes in managing short-term rental by-laws. For example, if the buildings have a registration or induction process, key collection procedure or are required to increase security.

Examples of costs incurred in several of the buildings we manage:

- a. In 2017 over \$2,000,000.00 was caused in damage due to a flood started by short-term renters who were misusing common property;
- b. Replacement of fire doors (approximately \$ each time) in circumstances where short-term tenants have found themselves locked in fire stairs and unable to enter the building or the level of their apartment;

- c. The building manager and Strata Sense have spent approximately 20 hours managing various breaches of by-laws and security, issuing breach notices and following up with agents and occupants on a new building in the CBD in August alone. These costs are not recoverable at this stage.
7. **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?**

The specific obligations imposed on booking platforms etc are not adequate as they do not extend to incorporate obligations that owners and their agents have in relation to owners corporations.

We recommend that an obligation is imposed that requires a copy of the by-laws and any other information relevant to short-term letting in the particular building be made available to guests who book through online platforms.

There should be two parts to this, firstly the advertisement should indicate whether there are any special rules that apply to short-term letting in the building (e.g. where applicable, key collection and registration must be completed through the building manager). Secondly, hosts and their agents should be required to supply a copy of the by-laws and any other relevant material upon confirmation of a booking.

The reason this is an issue, is set out at question 4 above. In short – ongoing breaches should result in penalty such as being placed on the exclusion register. NCAT and owners corporation's do not have any power to do this.

8. **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?**

The complaints procedure appears mostly adequate. We have three comments:

- a. We recommend that (assuming complaints will be made online) there is a graphic or depiction demonstrating the steps of your complaint and showing you what stage of the process your complaint is up to. One of the most frustrating issues we get in dealing with government agencies is not being informed as to the status of a request/application etc. To prevent this, it would be useful to be able to log in to an account where you can track your complaint and see what stage it is up to, what the next steps are, and what the turnaround time is likely to be until we reach the next stage.
- b. As strata managers we anticipate that we will make complaints on behalf of owners corporation's from time to time and it is important that the complaints process is set up to facilitate this course of action.
- c. It would be useful for Fair Trading to provide some guidelines as to the type of evidence that can be submitted, and the form that those submissions of evidence should be presented in. This would hopefully encourage participants and complainants to utilise prescribed forms and enable them to submit valid and comprehensive documents to facilitate a quick, cheap and just resolution. If the process is simplified, it will also reduce the need to engage lawyers or expend unnecessary costs.

9. **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?**

Clause 7.1.3 should include provision for breaches of strata by-laws. This will enable participants to be entered on the exclusion register for ongoing/repeated breaches.

See our comments above in relation to strata by-law breaches being an excludable offence.

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

The exclusion register should firstly highlight which building does not allow for short-term residences except for circumstances where the owner resides in the lot. The register should be open to the public including potential future buyers and investors who are interested in a particular building.

Access should not be limited to industry participants; this should be available to owners corporation's to assist them in regulating short-term letting in their building as this has an impact on the use and management of the common property.

That being said, information on action taken, breaches that have been penalised and "strikes" should be available, along with the name of the host/agent and the street name and suburb of the dwelling. If further information is desired, for example the nature of the breach and the contact details of the host/agent, this should be requested from Fair Trading and made available if the reasons meet certain criteria. The criteria could be (for example) needing the contact details for service of notice of legal documents. This criteria would need to be further developed and included in the Fair Trading Amendment Regulation (if possible) or the Code of Conduct so that Fair Trading do not have ultimate discretion to decide, and have reasonable guidelines to turn to and rely upon.

By having information publicly available, accountability may be encouraged and hosts and agents might be encouraged to ensure that their dealings are compliant with the regulations.

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

Yes, the review process is clear. This information should be provided in a clear and comprehensive form on the Fair Trading STRA website so that participants are aware of their rights to have disciplinary action reviewed.

12. 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?

Some short-term rentals are more profitable than others, meaning that in some instances the penalty (if monetary) will not be a deterrent to the behaviour being penalised. For example, we manage a high-end development in the Sydney CBD where the apartments are rented for thousands of dollars each weekend. A small monetary penalty will not be a deterrent to these owners who are wealthy in their own right, but are also bringing in thousands of dollars each month for short term letting.

In our view, it would be preferable to have a monetary penalty that was based on a percentage of the income made for either (depending on the nature of the breach):

- a. The particular stay that has led to the penalty action;
- b. The total income earned by that host in the previous financial year; or
- c. The total income earned by that host in the last quarter.

13. – No response

14. – No response

15. – No response

16. – No response

17. – No response

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

Those who directly benefit from the industry (i.e. hosts, agents and guests), should contribute to the costs. We consider that there is room for administrative costs to be levied as follows:

- a. By annual registration as a host or agent;
- b. Booking platforms should be required to pay an annual fee or a contribution on each booking should go towards administrative costs;
- c. Each booking could include a levy payable by the guest to Fair Trading as part of the booking for a stay in NSW.

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

Hosts should pay the highest proportion as they are the ones with financial gain and interest in the industry. Agents and booking platforms would come second, and the guests third with the lowest contribution.

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

See question 11.

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

We consider that the following systems and procedures may facilitate an efficient and effective registration system:

- a. A Fair Trading operated website should be designated to short term letting information and provide a portal for participants to log in to for further services;
- b. Through the online portal, a registration platform should be available for:
 - i. Buildings that do not participate in short-term residential arrangements except for where an owner resides permanently in the lot;
 - ii. As for buildings that participate in short-term residential arrangements:
 - 1. participants to submit their initial application along with an application fee to cover administrative costs involved in the initial registration and an annual fee;
 - 2. owners corporation's to register and pay an administrative fee in order to be provided with access to the register and receive alerts when a new registration is added at the address of the owners corporation;
 - 3. agents to register their details and pay an annual fee and registration fee;
- c. Fair Trading review and process the application to ensure:
 - i. Details are correct;
 - ii. Identification is verified;
 - iii. Contracts (for agents) are provided;
 - iv. Proof of ownership is verified;
 - v. Proof of residence is verified;

- vi. By-laws are provided and reviewed to ensure they do not prohibit short-term letting if the owner is not a permanent resident
- d. Successful applications are approved and entered into a register;
- e. There should be different “types” of registration, such as in-house hosts, or non-residence hosts, along with a calculation of the number of days booked so far in order to keep track and know when a participant is reaching the limit for their “type” of registration;
- f. If an application is added to the register, any owners corporation registered at that address receives a notification alerting them to the new registration, it will also let them know whether the applicant is a resident, or is a non-resident host;
- g. A log-in portal should be available for participants to log in and see the status of their application and, once approved, enable them to pay their annual fee;
- h. Using AI, a system could be established that will monitor payment of fees and de-register participants if fees are not paid;
- i. The website should include an online complaints form, where people can lodge complaints;
- j. Once complaints have been received, the complainant should have access to a tracking system so they know how their complaint is progressing by logging in to the portal and they will understand what steps need to be taken;
- k. Access to a register showing those participants who have been struck-off should also be available through a website designated to short-term rental services.

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

The NSW Government are best placed to properly assess this; however, we would anticipate the following costs would need to be considered:

- a. Registrations – monitoring, data entry, review, updating and removing,
- b. Software development and updates
- c. Complaints – processing, making decisions, liaising with complainants and participants, mediation/conciliation (similar to Tribunal process but with adjudication on paper rather than hearings);
- d. Other admin – general queries, industry updates, postal services

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

Fair Trading should develop and oversee the register. The Government should consider engaging an independent person to either oversee the process or to inspect the process and ensure that it meets the needs of the end user, as well as the relevant laws and regulations.

24. Are there other outcomes a register should deliver?

The register should also provide owners corporation’s with a means of auditing short-term letting in their building for the purposes of enforcing any short-term letting by-laws or otherwise ensuring compliance with strata rules and by-laws by owners, occupiers and guests to the building.

25. – No response

26. – No Response

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

Yes, there should be additional penalties for a failure to register. This could be in the form of a fine and would go towards STRA industry costs. There should also be a stand-down period of 6-12 months for failure to register, depending on the nature of the failure. For example, a failure to register is an immediate 6-month stand-down (where the participant cannot short-term let their dwelling), increasing to 12 months for those who have received prior notice yet continued to operate without registration.

Additionally, a monetary penalty should be imposed on booking platforms who do not first verify that a host or agent is registered.

Lastly, the owners corporation should have the right to refuse entry of any customers of short-term residential business operators for consistent breaches of the by-laws.

28. What information should the register collect? Why?

The proposed data contained in the Discussion Paper appears sufficient. The onus should be on the participant to ensure that the data is updated. For example, booking platforms should be required to migrate booking data to the register.

Some of this data should be available to owners corporation's, such as the name and contact details, apartment address, records of breaches/enforcement action/"strikes" and number of days booked throughout the year.

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

It should be the responsibility of each industry participant to register their own information and provide all relevant documentation for STRA industry to be able to process it.

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

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

Yes, information should be available to the public via a "quick search" function as follows:

- a. Name of host/agent;
- b. Street name and suburb of dwelling;
- c. Whether the dwelling is in a strata plan;
- d. Whether the host/agent has any "strikes";
- e. Whether the host resides at the dwelling or not;
- f. The total number of days the dwelling has been booked so far that year.
- g. Max number of guests permissible on each stay

This will allow for transparency without compromising the privacy of the host. It will enable participants and owners corporation's to quickly check the register for information, without having to log in and make formal requests/subscribe to an annual service. For further information such as contact details, enforcement action or breach records, the person must be registered to the portal and pay a subscription or nominal administrative fee in order to have access throughout the year.

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

Government and local Councils should have access to this information as required, rather than being provided with a report. This should be facilitated either by permitting Government and local Council's access to the website portal, or by a request process to Fair Trading. The issue in having a request process is that the turnaround time may be lengthy, and is not efficient for the purposes of obtaining information promptly.

If portal access can be provided Government and local Council's will be able to access the information they need, as they need it.

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

See question 30.

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

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

In response to both questions 33 and 34, we do not have any comment on the lead time as we do not know what steps will need to be taken by the Government to establish the industry. We do consider that it needs to be done as soon as possible, as the legislative changes were made some time ago and participants and owners corporations are in limbo waiting for the next steps to be actioned.

We consider that a staged implementation is appropriate. owners corporations are presently in limbo, unable to enforce new by-laws but desperately wanting to get a handle on their short-term letting situations. We support the implementation of the new legislation this year, with the registration process to follow in early-mid 2020.

This will enable the industry to exit the "holding-period" it has been in whilst waiting for certainty around the new regulations and will benefit all those affected by the short-term letting industry.

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

The proposed scope is mostly adequate, except for the lack of consideration that owners corporation should be given a say whether their residents should be able to participate in STRA. We also recommend that it is also used as an insight into the most common issues experienced in strata that are a result of short-term letting. A further submission period should be permitted as the new regulations reach their 12 month anniversary which will call for comments and critiques on the application of the regulations so far, and whether it adequately meets the needs of those impacted.

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

Industry participants, strata and building managers and owners corporations will be valuable sources of data. As mentioned above, a call for submissions would be an appropriate means of collecting this data.

An online feedback forum could also be useful, where people can complete a form with specifically targeted questions covering issues that the industry is facing.

Summary

In summary, we do not consider that the legislation and code adequately provide for owners corporations and would like to see further regulations introduced to provide greater clarity or authority on the following:

- a. Owners corporations should be allowed to decide whether short-term letting is permitted in their building, subject to a special resolution.
- b. A register should be established that is accessible by owners corporation's to assist them in enforcing any by-laws or rules in place pertaining to short-term letting.
- c. Through the register, owners corporation's should be able to access information pertaining to any lot that is in their strata scheme.
- d. The register should include details of any strikes or breaches and this should be available to owners corporation's in order to monitor the use of the common property by short-term residents of that particular lot.
- e. Owners corporation's should be empowered to charge administrative fees to owners where costs are incurred in monitoring compliance with by-laws and use of the common property.
- f. Owners corporation's should be empowered to determine and monitor occupancy of lots being let as short-term accommodation in order to prevent overcrowding and mitigate risks associated with overcrowding.
- g. A clear and simple reporting system should be established for owners corporation's to report by-law and other breaches relating to short-term letting. Owners corporation's should not need to obtain NCAT orders before a breach of by-law can be reported and penalty action taken by the STRA industry as this is not cost effective or efficient.
- h. An obligation should be imposed on participants to disclose by-laws to guests prior to check-in.
- i. The legislation should make explicitly clear that the lot owner is responsible for additional fire safety requirements, including installation, costs and certification.
- j. It should also be clarified that the owners corporation is not responsible for any breach of these requirements and that additional costs incurred in obtaining the AFSS (e.g. additional time is spent by the fire inspector ensuring the lot is compliant or rectifying non-compliance) will be met by the owner of the lot.

These submissions are made on behalf of the Owners Corporation – Strata Plan No 98950 on 11 September 2019.



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Submission – Short-Term Rental Accommodation Framework

About Strata Sense

Strata Sense is a boutique property management company specialising in the management of premium residential and commercial strata buildings.

Strata Sense provides a fresh approach to strata management by pursuing new ways to add value to the properties we manage in addition to providing sound administration services.

Our response to the Discussion Paper

Strata Sense have focused on providing our feedback and comments on a majority of the questions raised in the Discussion Paper. These comments and feedback are based on our management experience and in particular our experience in managing schemes with a high volume of short-term letting apartments (e.g. schemes located Sydney Olympic Park and the Sydney CBD).

We are pleased to have this opportunity to make submissions in relation to short-term letting, as this industry has a significant impact for many of our clients and we are at the forefront of seeing both the positive and negative effects of short-term accommodation in strata schemes.

We wish to preface our submissions by advising that they come from a perspective and focus of the effect the proposed and existing legislation has on strata schemes and owners corporations. We have not put significant consideration into the impact short-term letting has on stand-alone/non-strata housing.

We consider that changes to the legislation and code of conduct to suit strata schemes as recommended below will not be in conflict with or have an impact on the legislative effect on stand-alone or non-strata housing.

Owners corporations are responsible for the maintenance and repair of the common property, and should ultimately regulate how the common property is being used. Several of our clients have experienced an overwhelming level of damage to the common property caused by short-term tenants, with no options to recover the cost involved in repairing that damage.

To highlight the impact that short term letting has on owners corporations, we have set out below some examples of incidents that have occurred or occur frequently due to short-term residents using the common property:

- a. Most noteworthy is that one of our client's buildings sustained damage upwards of \$2,000,000.00 after an Air BnB resident opened a fire hydrant on one of the uppermost floors of the building. This has had a lasting impact on the owners corporation from a significant insurance premium increase which reflects the insurers higher risk premium profile as a result of the scheme's insurance claim history.
- b. Fire doors often need to be replaced as short-term residents kick them or use other force to force them open where they do not have any other means of access to the building (e.g. lost access device, limited numbers of access devices, forgetting keys). Fire doors are expensive to replace as they are fire rated and must be made to fit the door, they cannot be simply cut to fit;
- c. Garage roller doors have been driven into or even through on several occasions resulting in damage of approximately \$20,000.00 for one building alone in the last 18 months;
- d. Parties and late-night noise disrupting permanent residents with no recourse as it is a "one-off" by that particular occupant each time;
- e. Residents or on-site management staff are threatened by short-term residents;
- f. Overcrowding is difficult to control as short-term residents do not have any controls in place to check how many people are staying at the dwelling (unlike hotels where staff are able to check people in and ensure occupancy limits are not exceeded).

We also consider it extremely concerning that the new fire safety requirements that are to be imposed on hosts/owners of the dwellings, are actually an imposition on the owners corporation as they relate to the changing of entry doors and wired alarm systems which are (in almost all buildings) common property.

We hope to see better options available to owners corporation's that empower them to make decisions whether to allow for short-term residents, to monitor and regulate short-term letting within their building in order to lessen the impact on residents, and to enable the recovery of costs where damage is caused by short-term residents and to ensure that the behaviour of short-term renters generally improves.

We strongly support the introduction of a mandatory registration system, which should be available to participants as well as the wider community. This should be monitored by a division of Fair Trading, much as contractor and agent licencing registration and regulation are monitored. Complaints should also be dealt with by Fair Trading, meaning there is one central entity for participants and other people to turn to and they are not passed between organisations or Councils.

We encourage the Government to ensure that the register is available to owners corporation's to facilitate better regulation of short term letting in strata schemes, and to assist the owners corporation's in undertaking their duties to maintain and repair the common property.

The short-term rental industry has a place and a significant economic value in NSW, and if properly regulated it can continue to flourish without causing detriment to the neighbours and corporations directly engaged with it.

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

From a global perspective, the legislation is an adequate start in regulating the short-term letting industry. There are certain issues that we foresee arising if certain adaptations or amendments are not made, which we will detail in our discussions below. In brief, the key issues that we identify across the legislation, regulations and standards are:

- a. Inability for owners corporation's to monitor or access the register or information on the register for the purposes of enforcing by-laws;
- b. Inability for owners corporation's to determine and monitor the number of guests allowed in each short-term residential operated lot;
- c. Unclear reporting and support process for owners corporation's wanting to report breaches short-term letting regulations both in general and under any by-law an owners corporation chooses to adopt;
- d. Fast and effective by-law enforcement options (particularly against overseas investors);
- e. Obligations on participants to disclose strata by-laws;
- f. Unclear process regarding participant registration and whether they are required to disclose strata by-laws to Fair Trading upon registration;
- g. Lack of clarity regarding increased fire safety requirements and who is responsible for these.

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

We understand that there will be additional fire safety requirements that must be installed in properties who wish to operate as short-term rental accommodation. We would expect that additional fire safety measures including preparation of evacuation signage will be at the cost of the lot owner undertaking short-term letting.

We have several concerns in this regard that we would like to see some clarification on:

- a. It is unclear who will be responsible for regulating these requirements and conducting inspections to ensure that the properties are compliant with the fire safety standards;
- b. In strata schemes, in most instances the owners corporation are ultimately responsible for the fire safety systems. In particular, entry doors to the lot are generally fire doors which are common property and are the responsibility of the owners corporation. If the current doors are not compliant, the owners corporation will be responsible for this non-compliance as the door is common property. This means that any damage, injury or death that occurs as a result of the non-compliant door will likely be the responsibility of the owners corporation. It is extremely unfair to place this onus on the owners corporation without their knowledge, and without proper guidance to ensure that an owners corporation can monitor/regulate this, or that some government body to monitor/regulate this.
- c. Do these requirements form part of the Annual Fire Safety Statement ("AFSS") for a strata scheme? That is to say, will the inspectors need to be made aware that particular lots are being used for short-term letting and therefore have additional

requirements? Will strata schemes be deemed non-compliant and not receive their AFSS if an inspector considers that a lot does not meet the requirements for short term rental accommodation? We would like to see clarity in the legislation that lot owners are responsible for these fire safety measures and any additional costs arising out of these (for example cost of installation, cost of inspections/certification, additional contributions towards annual fire safety inspections and the onus to notify the owners corporation of their short-term letting status so that fire inspectors are aware of the additional requirements to certify).

3. – No response

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

We do not consider the general obligations to be adequate, as they do not explicitly impose any penalty for non-compliance with strata by-laws. Non-compliance with strata laws and by-laws should be considered an offence for the purposes of the STRA. The enforcement procedures for owners corporation's under the *Strata Schemes Management Act 2015* can be lengthy and expensive, and additional protection (e.g. Fair Trading are able to place someone on the exclusion register for continuing or ongoing breaches of strata laws and by-laws) is critical to regulating short-term letting.

It is unclear and does not seem possible under the current proposed legislation, regulations and code for Fair Trading to enter someone on the exclusion register for continuing breaches of strata legislation and by-laws. This effectively leaves owners corporation's without remedy, as NCAT do not have the power to prohibit someone from undertaking short-term rental operations as a result of proceedings initiated by owners corporation's under the *Strata Schemes Management Act 2015*, and imposing a financial penalty does not often act as a deterrent for those making significant profit from short-term letting.

Part 6 of the Code implies that by-law contraventions can be used as evidence for a complaint, however it does not specify that these complaints are actionable.

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?

STRA should consider obtaining information from owners corporation regarding:

- a. the type and nature of various by-law breaches that occur;
- b. the cost of damage and repairs to the common property required due to incidents involving short-term renters; and
- c. administrative costs to strata schemes in managing short-term rental by-laws. For example, if the buildings have a registration or induction process, key collection procedure or are required to increase security.

Examples of costs incurred in several of the buildings we manage:

- a. In 2017 over \$2,000,000.00 was caused in damage due to a flood started by short-term renters who were misusing common property. This has had a lasting impact on the owners corporation from a significant insurance premium increase which reflects the insurers higher risk premium profile as a result of the scheme's insurance claim history.;
- b. Replacement of fire doors (approximately \$900 each time) in circumstances where short-term tenants have found themselves locked in fire stairs and unable to enter the building or the level of their apartment;
- c. Security patrol services being required in several buildings to monitor the behaviour of short-term letters in locations that attract young adults for particular events;
- d. The building manager and Strata Sense have spent approximately 20 hours managing various breaches of by-laws and security, issuing breach notices and following up with agents and occupants on a new building in the CBD in August alone. These costs are unfortunately borne by all owners in the respective scheme(s) despite many owners not participating in short term letting activities.

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?

The specific obligations imposed on booking platforms are not adequate as they do not extend to incorporate obligations that owners and their agents have in relation to owners corporations.

We recommend that an obligation is imposed that requires a copy of the by-laws and any other information relevant to short-term letting in the particular building be made available to guests who book through online platforms.

There should be two parts to this, firstly the advertisement should indicate whether there are any special rules that apply to short-term letting in the building (e.g. where applicable, key collection, bond/fee if necessary and registration must be completed through the building manager). Secondly, hosts and their agents should be required to supply a copy of the by-laws and any other relevant material upon confirmation of a booking. In addition, the booking platforms should notify the respective owners corporations of bookings details for the scheme's awareness to monitor breaches or tracking any possible damage to buildings.

The reason this is an issue, is set out at question 4 above. In short – ongoing breaches should result in penalty such as being placed on the exclusion register. NCAT and owners corporation's do not have any power to do this.

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?

The complaints procedure appears mostly adequate. We have three comments:

- a. We recommend that (assuming complaints will be made online) there is a graphic or depiction demonstrating the steps of your complaint and showing you what stage of the process your complaint is up to. One of the most frustrating issues we get in dealing with government agencies is not being informed as to the status of a request/application etc. This, in turn, causes frustration for our clients. To prevent this, it would be useful to be able to log in to an account where you can track your complaint and see what stage it is up to, what the next steps are, and what the turnaround time is likely to be until we reach the next stage.
- b. As strata managers we anticipate that we will make complaints on behalf of owners corporation's from time to time and it is important that the complaints process is set up to facilitate this course of action.
- c. It would be useful for Fair Trading to provide some guidelines as to the type of evidence that can be submitted, and the form that those submissions of evidence should be presented in. This would hopefully encourage participants and complainants to utilise prescribed forms and enable them to submit valid and comprehensive documents to facilitate a quick, cheap and just resolution. If the process is simplified, it will also reduce the need to engage lawyers or expend unnecessary costs.

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?

Clause 7.1.3 should include provision for breaches of strata by-laws. This will enable participants to be entered on the exclusion register for ongoing/repeated breaches.

See our comments above in relation to strata by-law breaches being an excludable offence.

The Draft Code of Conduct currently outlines (clause 6.2.5) that on a contravention of the by-laws, the Commissioner may only accept the complaint if the Tribunal has already made orders for financial penalty for the contravention of the by-law. We understand the intent to ensure proof of evidence, although this is reasonably foreseeable that there will be consistent themes in a STRA environment which should be clarified and constitute grounds for an immediate strike. These include; parking in visitor spaces, pets and noise. We suggest the inclusion of a Code of Conduct relating to STRA in a strata or community scheme as follows:

- a. Visitor Parking – owners corporations in strata premises should be permitted to have by-laws that permit visitor parking but require visitors to pay a levy to access visitor parking spaces. Alternatively, accommodation providers should be required to make STRA guests only park in their designated parking space.
- b. Offensive Noise - Further clarification should be given as to what is offensive noise in the STRA environment. This should be defined in the Code of Conduct as it will be a likely trigger for complaints. In addition, guests should be informed of offensive noise restrictions both prior to the booking and at the commencement of their stay.
- c. Pets – Guests should be informed of the by-laws specific related to the keeping of pets within the strata premises. Failure to adhere to the by-law should allow an immediate strike.

The mechanism for reporting such clarified breaches by a respective owners corporation could be through a portal where evidence is uploaded for the Commissioner's consideration.

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

Access should not be limited to industry participants; this should be available to owners corporation's to assist them in regulating short-term letting in their building as this has an impact on the use and management of the common property.

That being said, information on action taken, breaches that have been penalised and "strikes" should be available, along with the name of the host/agent and the street name and suburb of the dwelling. If further information is desired, for example the nature of the breach and the contact details of the host/agent, this should be requested from Fair Trading and made available if the reasons meet certain criteria. The criteria could be (for example) needing the contact details for service of notice of legal documents. This criteria would need to be further developed and included in the Fair Trading Amendment Regulation (if possible) or the Code of Conduct so that Fair Trading do not have ultimate discretion to decide, and have reasonable guidelines to turn to and rely upon.

By having information publicly available, accountability may be encouraged and hosts and agents might be encouraged to ensure that their dealings are compliant with the regulations.

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

Yes, the review process is clear. This information should be provided in a clear and comprehensive form on the Fair Trading STRA website so that participants are aware of their rights to have disciplinary action reviewed.

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?

Some short-term rentals are more profitable than others, meaning that in some instances the penalty (if monetary) will not be a deterrent to the behaviour being penalised. For example, we manage a high-end development in the Sydney CBD where the apartments are rented for thousands of dollars each weekend. A small monetary penalty will not be a deterrent to these owners who are wealthy in their own right, but are also bringing in thousands of dollars each month for short term letting.

In our view, it would be preferable to have a monetary penalty that was based on a percentage of the income made for either (depending on the nature of the breach):

- a. The particular stay that has led to the penalty action;
- b. The total income earned by that host in the previous financial year; or
- c. The total income earned by that host in the last quarter.

12. – No response

13. – No response

14. – No response

15. – No response

16. – No response

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

Those who directly benefit from the industry (i.e. hosts, agents and guests), should contribute to the costs. We consider that there is room for administrative costs to be levied as follows:

- a. By annual registration as a host or agent;
- b. Booking platforms should be required to pay an annual fee or a contribution on each booking should go towards administrative costs;
- c. Each booking could include a levy payable by the guest to Fair Trading as part of the booking for a stay in NSW.

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

Hosts should pay the highest proportion as they are the ones with financial gain and interest in the industry. Agents and booking platforms would come second, and the guests third with the lowest contribution.

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

See question 11.

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

We consider that the following systems and procedures may facilitate an efficient and effective registration system:

- a. A Fair Trading operated website should be designated to short term letting information and provide a portal for participants to log in to for further services;
- b. Through the online portal, a registration platform should be available for:
 - i. participants to submit their initial application along with an application fee to cover administrative costs involved in the initial registration and an annual fee;
 - ii. owners corporation's to register and pay an administrative fee in order to be provided with access to the register and receive alerts when a new registration is added at the address of the owners corporation;
 - iii. agents to register their details and pay an annual fee and registration fee;
- c. Fair Trading review and process the application to ensure:
 - iv. Details are correct;
 - v. Identification is verified;
 - vi. Contracts (for agents) are provided;
 - vii. Proof of ownership is verified;
 - viii. Proof of residence is verified;
 - ix. By-laws are provided and reviewed to ensure they do not prohibit short-term letting if the owner is not a permanent resident. Owners corporations should be notified of an application so that they may provide any information to Fair Trading that may be pertinent to the application (for example, that the lot owner has a history of overcrowding breaches).
- d. Successful applications are approved and entered into a register;
- e. There should be different "types" of registration, such as in-house hosts, or non-residence hosts, along with a calculation of the number of days booked so far in order to keep track and know when a participant is reaching the limit for their "type" of registration;
- f. If an application is added to the register, any owners corporation registered at that address receives a notification alerting them to the new registration, it will also let them know whether the applicant is a resident, or is a non-resident host;
- g. A log-in portal should be available for participants to log in and see the status of their application and, once approved, enable them to pay their annual fee;
- h. Using AI, a system could be established that will monitor payment of fees and de-register participants if fees are not paid;
- i. The website should include an online complaints form, where people can lodge complaints;
- j. Once complaints have been received, the complainant should have access to a tracking system so they know how their complaint is progressing by logging in to the portal and they will understand what steps need to be taken;
- k. Access to a register showing those participants who have been struck-off should also be available through a website designated to short-term rental services.

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

The NSW Government are best placed to properly assess this; however, we would anticipate the following costs would need to be considered:

- a. Registrations – monitoring, data entry, review, updating and removing,
- b. Software development and updates
- c. Complaints – processing, making decisions, liaising with complainants and participants, mediation/conciliation (similar to Tribunal process but with adjudication on paper rather than hearings);
- d. Other admin – general queries, industry updates, postal services

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

Fair Trading should develop and oversee the register. The Government should consider engaging an independent person to either oversee the process or to inspect the process and ensure that it meets the needs of the end user, as well as the relevant laws and regulations.

23. Are there other outcomes a register should deliver?

The register should also provide owners corporation's with a means of auditing short-term letting in their building for the purposes of enforcing any short-term letting by-laws or otherwise ensuring compliance with strata rules and by-laws by owners, occupiers and guests to the building.

24. – No response

25. – No Response

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

Yes, there should be additional penalties for a failure to register. This could be in the form of a fine and would go towards STRA industry costs. There should also be a stand-down period of 6-12 months for failure to register, depending on the nature of the failure. For example, a failure to register is an immediate 6-month stand-down (where the participant cannot short-term let their dwelling), increasing to 12 months for those who have received prior notice yet continued to operate without registration.

Additionally, a monetary penalty should be imposed on booking platforms who do not first verify that a host or agent is registered.

27. What information should the register collect? Why?

The proposed data contained in the Discussion Paper appears sufficient. The onus should be on the participant to ensure that the data is updated. For example, booking platforms should be required to migrate booking data to the register.

Some of this data should be available to owners corporation, such as the name and contact details, apartment address, records of breaches/enforcement action/"strikes" and number of days booked throughout the year.

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

It should be the responsibility of each industry participant to register their own information and provide all relevant documentation for STRA industry to be able to process it.

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

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

Yes, information should be available to the public via a "quick search" function as follows:

- a. Name of host/agent;
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- e. Whether the host resides at the dwelling or not;

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This will allow for transparency without compromising the privacy of the host. It will enable participants and owners corporation's to quickly check the register for information, without having to log in and make formal requests/subscribe to an annual service. For further information such as contact details, enforcement action or breach records, the person must be registered to the portal and pay a subscription or nominal administrative fee in order to have access throughout the year.

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See question 30.

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

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We consider that a staged implementation is appropriate. Owners corporations are presently in limbo, unable to enforce new by-laws but desperately wanting to get a handle on their short-term letting situations. We support the implementation of the new legislation this year, with the registration process to follow in early-mid 2020.

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Industry participants, strata and building managers and owners corporations will be valuable sources of data. As mentioned above, a call for submissions would be an appropriate means of collecting this data.

An online feedback forum could also be useful, where people can complete a form with specifically targeted questions covering issues that the industry is facing.

Summary

In summary, we do not consider that the legislation and code adequately provide for owners corporations and would like to see further regulations introduced to provide greater clarity or authority on the following:

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- c. Through the register, owners corporation's should be able to access information pertaining to any lot that is in their strata scheme.
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- h. An obligation should be imposed on participants to disclose by-laws to guests prior to check-in.
- i. The legislation should make explicitly clear that the lot owner is responsible for additional fire safety requirements, including installation, costs and certification.
- j. It should also be clarified that the owners corporation is not responsible for any breach of these requirements and that additional costs incurred in obtaining the AFSS (e.g. additional time is spent by the fire inspector ensuring the lot is compliant or rectifying non-compliance) will be met by the owner of the lot.

Kind regards,



Tamara Ford

Strata Manager

Strata Sense

Suite 207, 50 Holt Street, Surry Hills NSW 2010

Email: info@stratasense.com.au

Phone: 1300 859 044

11 September 2019

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 2:23 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

Categories: Tom Submission, non Air BNB run

Submitted on Wed, 11/09/2019 - 14:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Tamara

Last name

Ford

Name withheld

No

Info

Email

tamara.ford@stratasense.com.au

Suburb/Town & Postcode

Surry Hills

Submission file

[strata-sense---short-term-rental-accommodation-submissions---11-sep-19.pdf](#)

Submission

Please see attached submissions on behalf of Strata Sense Pty Ltd.

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 11:32 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

Categories: recorded in DPIE subs register

Submitted on Wed, 11/09/2019 - 11:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tania

Last name

Dawkins

Name withheld

No

Info

Email

taniafreespirit@gmail.com

Suburb/Town & Postcode

2483

Submission

I request that there be a limit of 60 days for all residential short term properties in areas already inundated with holiday rental properties. The increased rise in unavailability of permanent rentals in the

tourist sectors has dire consequences for residents who are part of the employed needed to service the peak seasons.

There should be a bed tax implemented on all private residences that rent out a full house or apartment as is done in many cities around the planet that already have witnessed the negative impact of airbnb and other short term internet rental sites.

No tax on a room rented with the owners residing in the same residence.

I agree to the above statement

Yes

From: Tara Davies <tarabethdavies@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
Tara Davies
102 Spit Rd
Mosman, Nsw 2088

From: Taras Cherkaso <tartcher@mail.ru>
Sent: Wednesday, 11 September 2019 2:17 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.

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Thank you for reading my submission.

Regards,
Taras Cherkaso
149 Bellevue Rd
Bellevue Hill, Nsw 2023

From: Tatiana Gridassova <tgridassova@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Tatiana Gridassova
17 Millfield Rd
Millfield, Nsw 2325

From: Teresa Mason <teresamason123@icloud.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Teresa Mason
63 Dalhousie St
Haberfield, Nsw 2045

From: no-reply@planning.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <no-reply@planning.nsw.gov.au>
Sent: Saturday, 24 August 2019 1:50 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

Categories: Purple category

Submitted on Sat, 24/08/2019 - 13:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Terrence

Last name

Clements

Name withheld

No

Info

Email

tjclements@optusnet.com.au

Suburb/Town & Postcode

2300

Submission

I say no to short term rental

I agree to the above statement

Yes

From: terence bourke <cronullabeachhouse@gmail.com>
Sent: Monday, 9 September 2019 11:43 AM
To: DPE PS STHL Mailbox
Subject: 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. In particular, I would like to not the following;

1. Keeping records for 5 years- This is an unnecessary and cumbersome rule. We are required to keep tax records now and further record keeping will require space and administrative work. These will also require auditing adding extra cost to an already low margin industry. What and who decides what is a "Readily Producible Form"? one days notice ? is that readily enough and what will be the fines for these "Offences" . How do we make a business profitable in a low margin industry? Who will audit these? another public servant we dont need?

2. Exclusion Register- this register could be a burden on either side as who will determine who goes on it and any host may find themselves included unable to carry on a business without having been convicted of a crime or guilty of any criminal offence . Just having upset a guest and facing a tribunal without an objective assessment.

3. Guests to act lawfully- These rules are already covered under common law and dont need repeating here. Also, lawful behaviour as regards noise and damage to property, these are covered under current laws and dont need repeating.

As a responsible operator, I strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Terry & Lyn Bourke
Cronulla Beach House Bed & Breakfast
cronullabeachhouse@gmail.com
0423559667

From: Terry Hunt <terryphunt@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 provides for my wife and I in our retirement and it means we don't need to access government benefits or pensions.

The Airbnb host community depends on hosting as an economic lifeline to help us pay our bills.

I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism which is the lifeblood of businesses in Terrigal.

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:

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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.

The sharing community can work without a complex and costly layer of bureaucracy.

Thank you for reading my submission.

Regards,
Terry Hunt
22-26 Barnhill Rd
Terrigal, Nsw 2260

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 4:30 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Purple category

Submitted on Thu, 22/08/2019 - 16:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

terry

Last name

meller

Name withheld

No

Info

Email

mellert@bigpond.net.au

Suburb/Town & Postcode

waverley 2024

Submission

Hi, I would like to suggest a capital gains tax free threshold perhaps of or up to \$2000 per year income in clear understanding for Tax agents to advise their customers of. The reason for this is many people have a house or unit with a spare room empty for years. The company for an elderly person could be invaluable. The tourist industry could grow as many tourists starting out in life cannot afford expensive hotels and would like to meet locals. I believe other countries do this and as a result have a thriving tourist industry. It seems restrictive too have people who would love to be part of the international tourist experience but too afraid to let out a spare room for a short stay due to the fact that they may be slapped with a huge capital gains tax on the sale of their house or unit, Terry Meller

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 1:22 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

Categories: Purple category

Submitted on Sun, 25/08/2019 - 13:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Terry

Last name

Murphy

Name withheld

No

Info

Email

terrencemurphy1940@gmail.com

Suburb/Town & Postcode

2101

Submission

The need for this regulation is regrettable as it again is required to regulate those in the "lower common denominator" group i.e the offenders. Most participants act reasonably and with integrity. The concept of STRA has been a divisive debate in the community lead by many who have vested interests and wish to act against property law rights viz. freehold torrens title rights. The proposed regulations are comprehensive and will affect all industry participants. A 12 month review period is necessary.

The legal affect of by-laws restricting Short term letting on strata title needs further clarification as some participants rely on the by-law provisions to prohibit short term letting with ,they claim, immunity from presecution.

The register is a necessary instrument as it has the effect of naming and shaming offenders which historically have remained unknown including strata owners. Privacy provisions are important but should be balanced against the need for prospective purchasers/tenants to enter property in the knowledge they will enjoy a good standard of quiet enjoyment.

Cost sharing is always contentious. The distinction between STRA participants and non-participants is important. The user pay principle seems appropriate it represents a form of insurance .

I agree to the above statement

Yes

From: Terry Phelps <cadattack01@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Terry Phelps
4 Dixon St
Hamilton, Nsw 2303

From: Terry Sutherland <terry.sutherland@ymail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 We enjoy meeting people and assisting in boosting the local economy and to add a little income stream as we approach retirement

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.

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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.

Regards,
Terry Sutherland
47 Pioneer Dr
Forster, Nsw 2428

From: Tessa Faucheur <tessa.faucheur@gmail.com>
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 sharing our unique property with guests from all over the world. We are located in the Hawkesbury at the crossroads of 2 rivers in settled in a unique converted little Church! We are in the heart of local communities and also fuelling local businesses, we hosts many guests coming in the neighbourhood for weddings.

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.

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Thank you for reading my submission.

Regards,
Tessa Faucheur
1932 Wheelbarrow Ridge Rd
Lower Portland, Nsw 2756

From: Tessa Faucheur <tessa.faucheur@gmail.com>
Sent: Tuesday, 10 September 2019 8:50 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Kind regards,

Tessa Faucheur
0432 392 351

From: Tessa Murdoch <murdoch@wix.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 meeting people and we live in a beautiful area and sharing it with others is a pleasure. We are both retired so it helps with our living standard and gives us pleasure

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".

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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.

Regards,
Tessa Murdoch
33 Beaconsfield St
Newport, Nsw 2106

From: Tet & Lucy Choong <tetandlucy@ozemail.com.au>
Sent: Sunday, 22 September 2019 11:21 PM
To: DPE PS STHL Mailbox
Cc: chairman@highgate.com.au
Subject: Regulations and code of conduct for Air Bnb. STRA Discussion paper

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I write as an owner of a unit in 127 Kent St., Millers Point. I am very concerned regarding the introduction of Air Bnb into Strata buildings.

By its nature, residents in a strata building, live very close to their neighbours, often sharing common walls. Their day to day activities impact on one another and in particular the "noise" level. Over time they build up a friendship and understanding of each other's activities and privacy.

The introduction of Air Bnb will change these dynamics, converting a residential building to one akin to a boarding house. There will be new people coming and going every few days or few weeks, who may or may not take as much care as owners or long term tenants. There is likely to be more usage of the facilities such as the swimming pool and gymnasium and hence increased wear and tear, leading to more costs for the owners.

I propose that the unit owners in each strata building decide on whether AirBnb may be introduced into their building by a vote requiring at least 75% of the owners agreeing to it.

I for one am very much against the introduction of Air Bnb into 127 Kent St, Millers Point.

With kind regards
Tet Choong.

From: Thanh Vo <xuanthanh21292@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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 wanna provides value to the community and for NSW tourists.

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".

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Specifically, I want to comment on the following:

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Thank you for reading my submission.

Regards,
Thanh Vo
324 Rocky Point Rd
Ramsgate, Nsw 2217



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

23 September 2019

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

Our Ref: FP85

Dear Sir / Madam,

Short-term Rental Accommodation Reforms

I refer to the exhibition of draft instruments and Regulations that will introduce the state-wide planning framework and mandatory Code of Conduct for short-term rental accommodation (STRA). The inclusion of a new land use term to provide clarity on where short-term rental accommodation is permitted is supported, as is the overall intent of the policy.

The following matters are raised for further consideration as part of the finalisation of the policy framework:

- Confirmation is sought that there is no intention for the proposed framework to provide any development approval pathway for STRA to be carried out in instances where exempt and complying development cannot occur, particularly as it is not intended to amend the Standard Instrument LEP to include a definition of 'short-term rental accommodation'.
- It is understood that land that has a fire rating of >BAL40 will not have an approval pathway under the draft SEPP. It is recommended that proposals for STRA on land that is BAL 29 – BAL 40 be referred to the NSW Rural Fire Service, however the proposed Complying Development pathway does not appear to include this requirement.
- It is understood that the draft SEPP facilitates an exempt development pathway in some instances, provided the fire safety measures are met. However, fire safety measures would typically require some form of Development Consent. In the absence of any approval, it is unclear who certifies that the measures are installed as required and would be extremely difficult for Council to monitor and enforce. Therefore, it would be valuable to include a requirement for the owner to provide some form of certification or annual statement, to ensure fire safety measures are maintained and installed correctly. This is similar to an Annual Fire Safety Statement submitted for a Class 1b-9 building.
- Clarification is sought with respect to the draft Fire Safety Standard, particularly regarding the requirements for smoke and heat alarms. The Fire Safety Standards for Class 2 and 4 buildings requires smoke and heat alarms to be provided, however an automatic fire detection and alarm system (complying with AS 1670.1) is permitted as an alternative to AS 3786 smoke

alarms under Specification E2.2a of the BCA. Will consideration be made to enable the use of AS 1670.1 automatic fire detection and alarm systems to provide consistency with the BCA? If so, will it be permissible to connect evacuation lighting to a fire detection and alarm system? It is also unclear if local authorities will be permitted to charge for the inspection and assessment of premises if required.

- It is understood that the Fire Safety Standard requires doors to be self-closing and fitted with fire seals. Clarification is sought as to whether there is an expectation that any room opening onto a corridor or hallway should contain a door. Confirmation is also sought if this applies to storage cupboards and the like opening onto corridors.
- It would be beneficial for further commentary to be included within the policies to assist homeowners in determining the building class applicable to their dwelling as this knowledge is required for homeowners to accurately interpret the Short-term Rental Accommodation Fire Safety Standard. Will the onus be on the Owner to determine what classification their premises is in order to comply with the proposed fire safety standard?
- The introduction of a mandatory STRA registration system is supported, as it will facilitate consistency across the State. However, there is concern that it will significantly increase the regulatory and compliance burden and cost on Councils and will be difficult to enforce, particularly regarding the length of stay and reliance on individual property managers to input accurate data. Concern is also raised that responsibility for the proposed Register will rest with industry participants, rather than a State Government agency. To assist with any enforcement action by Council, it is important that the Register is able to identify when a STRA host is present. This should be reinforced by regular auditing of the registration system by the State Government to ensure the accuracy and reliability of the data. Each booking should be included separately on the register to assist with verifying the amount of days the premises are used for and the limitations on the numbers of occupants.
- Clarification is sought on the responsibility for investigating and enforcing compliance with the day thresholds, should a complaint be made to Council. It is understood this is reliant upon the 'host' correctly entering data within the register. However, if complaints are received by Council, Council would need to establish evidence that the use of the property is non-compliant. Whilst the proposed property register would assist in this process, Council would still need to establish that the property exceeded the day threshold of 180 days. It is important that the proposed framework is straightforward to enforce.
- The proposed exclusion of stays of twenty-one days or more from the 180-day annual cap may be reasonable as a reflection of lower turnover rates and the decreased potential for longer stays to result in amenity impacts on surrounding dwellings. However, the Department should consider any potential impacts of this component of the policy on the availability of dwellings in the long-term rental market.

Although Council does not currently receive many complaints regarding short-term rental accommodation, given the current economic climate and oversupply of units within metropolitan areas there is potential for this type of use and associated complaints to increase.

Thank you for the opportunity to comment on the proposed changes. If you require any further information please contact Jessie Wiseman, Town Planner, on 9843 0122.

Yours faithfully



Nicholas Carlton
MANAGER - FORWARD PLANNING

From: Bronwyn Inglis <binglis@thehills.nsw.gov.au>
Sent: Tuesday, 24 September 2019 1:14 PM
To: DPE PS STHL Mailbox
Cc: Jessie Wiseman; Megan Munari
Subject: The Hills Shire Council - Feedback on short-term rental accommodation framework
Attachments: 188746465.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tessa,

Thank you for your phone call on 12 September 2019 in which you granted an extension of time to 25 September 2019 for The Hills Shire Council to forward a submission on the short-term rental accommodation framework.

Please see the attached letter from The Hills Shire Council.

It would be appreciated if you could please confirm receipt of Council's letter.

I can be contacted on 9843 0531 if you require any clarification.

Yours sincerely,

Bronwyn Inglis

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THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: EP&D:EEIb1777709

11 September 2019

Director, Housing Policy
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Short-term rental accommodation in NSW – A new regulatory framework

The Law Society of NSW appreciates the opportunity to comment on the Discussion Paper *Short-term Rental Accommodation – A new regulatory framework* and the draft planning instruments and Regulations to introduce the state-wide planning framework and mandatory Code of Conduct for short-term rental accommodation ("STRA"). The Law Society's Environmental Planning and Development and Property Law Committees contributed to this submission.

The Law Society made an earlier submission in response to an Explanation of Intended Effect ("EIE") released in October 2018¹ ("earlier submission"). We acknowledge that some of the matters we raised in that submission have been addressed in the proposed new regulatory framework, such as the proposal to establish a register and by the current exhibition of the whole of the proposed new regulatory framework, including the code of conduct.

We remain concerned about a number of matters, however, such as the enforceability of some of the proposed criteria in the exempt and complying pathways. These include: enforcing fire safety requirements; establishing whether STRA is hosted or non-hosted or whether a property is the host's 'principal place of residence' to establish the relevant day cap; "policing" the relevant day caps and enforcing the code of conduct.

Our answers to the specific questions set out in the Discussion Paper are set out in the attached Table "A".

Overview

As stated in our earlier submission, the Law Society supports the Government's aim of introducing a state-wide planning framework for STRA that strikes a balance

¹ Law Society of NSW "Short-term rental accommodation in NSW- Explanation of Intended Effect", 13 November 2018 accessed at: <https://www.lawsociety.com.au/sites/default/files/2019-01/Letter%20to%20DPE%20-%20Short-term%20rental%20accommodation%20in%20NSW%20-%20Explanation%20of%20Intended%20Effect%20-%202013%20November%202018.pdf> on 6 September 2019.

between supporting the economic value of the industry and managing impacts on the community.

We are concerned, however, that without additional measures being put in place it will not be possible to effectively enforce the limitations and requirements for STRA, as set out in the proposed approval pathways. We suggest that consideration be given to requiring a 'complying development' pathway in the place of the proposed 'exempt development' pathway, particularly in the case of strata accommodation. We consider that a complying development pathway would more effectively achieve the aims of the policy.

We support the establishment of a registration system but maintain that any register must be government-run, with access provided to councils, rather than industry-led as proposed. The register must be in place before the changes to the planning controls are implemented.

Proposed changes to the planning system

The Law Society supports a state-wide planning framework to provide state-wide consistency in the definition and permissibility of STRA. The proposed planning framework includes:

- A new definition for STRA.
- New 'exempt' and 'complying' approval pathways that enable STRA within day limits:
 - Where the host is present, STRA is 'exempt development' for 365 days per calendar year.
 - Where the host is not present, and the site is not on bushfire prone land or a flood control lot, STRA is 'exempt development' for:
 - 180 days in Greater Sydney
 - 365 days in regional areas; except where a council varies this to no lower than 180 days.
- Where the host is not present, and the booking is for 21 or more consecutive days, the booking will not count towards the above day thresholds.
- Minimum safety and evacuation requirements for dwellings used for STRA.

Changes since the EIE

The Discussion Paper sets out the key changes since the release of the EIE. The most critical is the proposal that non-hosted stays of 21 or more consecutive days will not be counted towards the applicable day caps. It is stated that "this is based on feedback that longer bookings tend to have fewer amenity impacts and are a key support to a mobile workforce".²

This overlooks the other fundamental strategic planning impacts of STRA, which in the case of the majority of non-hosted STRA involves the whole dwelling. These impacts include the loss of long-term rental dwellings and the "hollowing out" of the residential community. In the case of some residential flat buildings in the CBD and in places like Byron Bay, there are only a "rump" of permanent residents left, which has a major impact on the whole community.

We comment further on the impact of the number of days caps below.

² Discussion Paper, 7.

The State Environmental Planning Policy (Short-term Rental Accommodation) 2019 ("SEPP")

Definitions

We suggest that including definitions of 'principal place of residence' and 'permanent resident' in the SEPP would be useful.

STRA as 'exempt development'

We recognise that the Government aims to maximise the benefits to the economy and property owners that flow from STRA by making the majority of STRA 'exempt development'.

However, even with the proposed establishment of a registration system, we have serious concerns about the effectiveness of a framework based on 'exempt development' to achieve the following aims set out in clause 3 of the SEPP:

3 Aims of Policy

The aims of this Policy are as follows-

- (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 dwelling that may be used for the purposes of short-term rental accommodation.

We note that the majority of STRA cannot be classified as a 'home sharing activity' and question whether the proposed 'exempt development' pathway will appropriately manage "the social and environmental impacts from this use". In the case of strata lots, the issue of the management of noise, waste and other amenity impacts is particularly acute as strata complexes have been recognised as generally more susceptible to the potential impacts of STRA due to, among other things, the proximity of neighbours and the reliance on shared facilities.

Most importantly, we consider that the current approval pathways do not adequately support "the safety of users of short-term rental accommodation who may be less familiar with the dwelling".

We note that the 'exempt' and 'complying' pathways are differentiated according to whether, on bushfire prone land or a flood control lot, the STRA is hosted or non-hosted. We suggest that even with the best of intentions, a host will not always be available to assist guests to evacuate in the case of emergency during a particular timeframe. To properly ensure safety, particularly in the case of bushfire prone land, a flood control lot or any strata lot, we consider that a complying development pathway should be implemented. This will ensure that all fire safety or other safety requirements have been met before the property is used for STRA, whether the host is present or not.

We note in the case of strata lots that the Government has legislated to provide that owners corporations can pass a by-law by special resolution banning STRA in their schemes where the lot is not the principal place of residence of the 'host'. The relevant

provision, s 137A of the *Strata Schemes Management Act 2015* has not yet commenced but we understand the intention is to commence it once the SEPP is gazetted.

We suggest that in the event that all STRA is not required to be complying development for safety reasons, there is a strong case for requiring a complying development pathway in the case of all strata lots. The fire safety requirements may necessitate work on the common property. Such a provision will also ensure that, in the case where the lot is not the principal place of residence of the host, there is a proper check to ensure that a by-law has not been passed prohibiting the lot being used for STRA.

Number of days cap

We consider that the day caps proposed do not strike the appropriate balance to achieve the relevant policy objectives. The proposal that non-hosted stays of 21 or more consecutive days will not be counted towards the applicable day caps will make the 180-day cap meaningless in some cases.

We also note that the Department's website states:

On 11 February 2019, the former Minister for Planning announced a new Ministerial Direction that invites Byron Shire Council to prepare a Planning Proposal that could introduce a 90-day threshold in the most impacted towns of the Local Government Area.

The Direction is in response to the high concentration and unique impacts of STRA on some parts of the Byron Shire. The Planning Proposal process will include impact assessment and consultation with communities.

This would appear to be recognition of the impact of STRA in high volume tourist areas, and to support a reduction in the number of days STRA should be available in areas such as Sydney-Darlinghurst, and the beach suburbs of Manly, Bondi, Tamarama, Bronte and Coogee, to 90 days.

Existing development consent conditions

Note 2 to clause 9 of the SEPP provides that "Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent."

We support the preservation of existing development consent conditions prohibiting STRA. We suggest for clarity that this be explicitly incorporated in the SEPP as an additional paragraph following clauses 9 (2) (c) and 10 (2) (d).

Register

The Law Society supports the establishment of a register but considers that it should be a government-run, rather than an "industry-led" register. A register is integral to the management of the amenity impacts of STRA and as an enforcement mechanism for the framework. We remain concerned that, even with the establishment of a register, it is still not clear how the following limitations and requirements will be enforced:

- whether premises are in fact the principal place of residence of the STRA operator; operators can presumably use different entities to operate multiple properties for STRA.

- the limits on the number of days per year, depending on location, that STRA can take place in properties where the host is not present;
- how there can be monitoring of whether the host is present or not; and
- the minimum fire safety and evacuation requirements for individual premises used for STRA.

We suggest, however, that effective control of these limitations and requirements would be better managed by a government-run register to record and manage compliance.

A government-run register, allowing councils access, could also:

- allow councils to have access to real time data on the growth and supply of this market and any effects on local housing availability and affordability; and
- provide an additional revenue source for governments to be passed on to councils to fund the enforcement of the code of conduct.

Complaints about noise, property damage and other amenity impacts will inevitably be made to councils despite any breaches of the code of conduct specifying other enforcement options. These complaints will be extremely difficult to manage given the transient nature of some stays, difficulties in proving whether hosts are present, whether a property is the host's "principal place of residence" and whether day caps have been met. Without a revenue source, councils cannot be expected to assist to enforce the relevant planning laws, as they are required to do, to enable the council to meet community expectations and protect long-term residents from the impacts of STRA.

Commencement

The Discussion Paper states that potentially all elements of the new STRA framework could come into force at the same time, but that, given the time that industry may need to develop and establish the register, the regulatory framework cannot commence until 2020.³ The Discussion Paper goes on to say that staged implementation is an option—with the planning instruments, Code, Amendment Regulation and strata legislation amendments starting later in 2019 with the register commencing in 2020.

We consider that any staged implementation is not appropriate and that all elements of the framework should commence at the same time. The policy is intended to operate as a cohesive and integrated system where each component of the regulatory framework works together. This obviously requires each component of the framework to become operational at the same time.

It is imperative that the register is operational at the commencement of the new regime. The Government has identified a number of outcomes that the register would need to deliver including:

- Enabling all properties used for STRA to be individually and uniquely identified
- Ensuring only registered properties are made available as STRA
- Providing an up-to-date, accurate and accessible source of data on STRA premises in NSW, including the number of stays (days) and compliance and enforcement action.⁴

³ Ibid 18.

⁴ Ibid 16.

The delivery of these outcomes is essential to fulfil the objectives of the policy.


It is also extremely important that the information captured in the register is available to inform "the review of the STRA regulatory framework twelve months after it commences, which the Government has committed to completing."⁵

Consultation and education

As noted in our earlier submission, these proposed changes will have a major impact on some communities where a high percentage of properties are used for STRA, such as for example, the Sydney CBD, Sydney harbourside and beachside suburbs and in 'holiday areas' such as the Byron Shire. Given the extent of the changes and their potential impact, we consider that public information sessions, particularly for strata owners, should be conducted by the Department prior to the commencement of the new legislation.

If you have any questions in relation to this submission, please contact Liza Booth, Principal Policy Lawyer at liza.booth@lawsociety.com.au or on (02) 9926 0202.

Yours faithfully,



Elizabeth Espinosa
President

Encl.

⁵ Ibid 19.

Short-term Rental Accommodation: A new regulatory framework – Discussion paper

Submission by the Law Society of NSW – September 2019

Page	QUESTIONS	COMMENTS
Planning instruments		
p.8	1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?	Please see our comments in the accompanying letter. Additionally, the limitation on number of persons in the SEPP seems to be dictated by the number of bedrooms. In rural areas, the size of the septic system can be a practical limit in relation to the number of residents at a dwelling. A third limb could be added to clauses 11(b), 12(1)(c) and 13(1)(c) of the SEPP: “(iii) the maximum number of persons permitted to reside on the property”.
p.8	2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?	Please see our comments in the accompanying letter.
p.8	3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?	Please see our comments in the accompanying letter.
Code: Industry participants’ obligations		
p.10	4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?	We support a government-run register. On this basis they appear to strike the right balance.

Page	QUESTIONS	COMMENTS
p.10	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?	Statistics should be collected about the complaints made to, and dealt with by, the Commissioner, and those complaints the Commissioner refers elsewhere, such as to local council or the Police, under clause 6.2 of the Code. Information regarding the type of the complaint and the outcome should be retained. Analysis over time of this data, provided it includes those complaints referred elsewhere, should assist in monitoring whether outcomes improve.
p.10	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?	We support a government-run register. On this basis, yes.
Code: Complaints		
p.11	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?	On the same basis as above, yes.
Code: Compliance and Enforcement		
p.11	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?	Yes.
p.12	9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?	Questions relating to privacy impacts will depend on the final form of the register.

Page	QUESTIONS	COMMENTS
p.12	10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?	Consideration could be given to whether there should be a further right of appeal after the Secretarial review process (for either a complainant or a host).
Code: Penalty notice offences and civil penalties		
p.13	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?	Yes.
Amendment Regulation: Prescribed classes of STRA industry participant		
p.13	12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?	Yes. This definition is broad enough to capture all property management services.
p.13	13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?	None.
Amendment Regulation: STRA industry participants excluded from Code of Conduct		
p.13	14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?	Yes. In relation to clause 22C(a), residents living near tourist or visitor accommodation are aware of the intended use of those premises. In relation to clauses 22C(b) and (c), separate regulations already exist for these land uses.
p.13	15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?	We have no additional suggestions.

Page	QUESTIONS	COMMENTS
Amendment Regulation: Appeals against listing on exclusion register		
p.14	16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?	We suggest that there should be a non-exhaustive list of the types of considerations/matters that might warrant removal from the register, consistent with common legislative approaches, so as to provide guidance to the Secretary.
Amendment Regulation: Fees and cost recovery		
p.14	17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?	All participants should contribute. The most equitable approach in our view is an annual fee based on income received.
p.14	18. How should costs be apportioned across different STRA industry participants? Why?	It will not be possible to know what the costs of administration will be, nor how many contributors there will be. A conservative estimate should be made in relation to the fee, expressly noting that the fee can be varied over time.
Amendment Regulation: Penalties		
p.14	19. Is the proposed penalty notice offence amount appropriate? Why or why not?	In our view the proposed penalty notice amount of \$550 is too low and will not serve as a sufficient deterrent for breaches of the Code of Conduct.
Proposed industry-led property register		
p.15	20. How can industry be organised to develop and manage the registration system?	In our view the development and management of the registration system is a matter for government. Please see our further comments in the accompanying letter.
p.16	21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?	We are unable to comment.
p.16	22. What role should the Government play in developing or overseeing the register, if any?	The development and overseeing of the register should be carried out entirely by government.

Page	QUESTIONS	COMMENTS
p.16	23. Are there other outcomes a register should deliver?	We agree with the outcomes from a register listed on page 16 of the Discussion Paper.
p.16	24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?	Use of the online booking agencies will be key, in addition to letting agents.
p.16	25. What audit and verification processes would be needed to ensure accuracy of data?	We support the inclusion of audit and verification processes. We note such processes would likely be included as a matter of course if the register was government-run, but would be more difficult to establish in an industry-based register.
p.16	26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?	Yes, there should be penalties for failing to register imposed upon all industry participants.
p.16	27. What information should the register collect? Why?	In addition to the items set out on page 16, the register should also record the maximum number of people allowed in the particular property, and which on line booking agencies list the property. This could facilitate the checking of appropriate advertising to ensure that it is consistent with the lawful use of the property – for example, approved for 8 people but advertised for “up to 15”.
p.16	28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?	This is difficult as many of the platforms are internationally based so enforcement will be difficult.
p.16	29. What role should Government play in the registration process or providing information for the register?	As stated earlier, in our view the register should be run by government.

Page	QUESTIONS	COMMENTS
p.17	30. Should any information on the register be made publicly available? If so, what information could be made available and why?	There should be limited information only that is made publicly available. Information regarding any strikes should be publicly available as this is one of the more important pieces of information recorded and the fact that it would be publicly available is an extra incentive for compliance with the Code of Conduct.
p.17	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, to the extent that this is necessary for the operation of a government-run register.
p.17	32. Should any information on the register be made publicly available? Why?	See our response to question 30.
Commencement of regulatory framework		
p.18	33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.	The STRA register should be government-run and we suggest a lead time of at least six months, given many industry participants are international and participants may need to obtain planning approvals.
p.18	34. When should the STRA regulatory framework start? Please provide reasons.	Depending upon the final form of the framework, six to twelve months lead time may be required.
12-month review of regulatory framework		
p.19	35. Do you support the proposed scope of the review? What additional considerations might be necessary?	Yes.
p.19	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?	Sources of data would include: online booking agencies data, reviews by users of STRA and the enforcement/penalty data collected by the Secretary. As suggested in the Discussion Paper, surveys may also be a useful tool, particularly to obtain feedback from councils and industry generally.

Short-Term Rental Accommodation Submissions

Preamble to submissions

We make these submissions as the Strata Committee for an owners corporation in Pymont, that has for a long time successfully prohibited short-term letting through various mechanisms and with the support of the vast majority of the owners.

We wish to preface our submissions by advising that they come from a perspective and focus of the effect the proposed and existing legislation has on strata schemes and owners corporations. We have not put significant consideration into the impact short-term letting has on stand-alone/non-strata housing.

We consider that changes to the legislation and code of conduct to suit strata schemes as recommended below will not be in conflict with or have an impact on the legislative effect on stand-alone or non-strata housing.

Owners corporations are responsible for the maintenance and repair of the common property, and should ultimately be able to regulate how the common property is being used. Luckily, we have not experienced any damage to the common property to date, however based on examples we have heard from other strata schemes, it may only be a matter of time before we are impacted as well and our options to recover the costs incurred in this damage are costly to pursue.

Our scheme have addressed this issue at length during various general and committee meetings and the overwhelming sense from owners is that short-term rental accommodation is difficult, timely and expensive to manage. The strata committee have been instructed to take a hard line on short-term letting in the building. With the new regulations this will be an even more time-consuming activity, which is mostly at the expense of the committee members all of whom are volunteers.

The following is a summary of some of our more pressing concerns, that have not been considered in the new framework and therefore cannot be addressed in the targeted questions of the discussion paper:

- a. The complaints process will no doubt come with a fee, it is not fair that this is funded by the majority who do not even want short-term rentals in the building. This fee should be payable by the lot owner the complaint is in relation to, and could be recovered during the complaints process.
- b. Short term letting has been prohibited in our building under the development consent and under planning laws, owners have brought into the building knowing this and we are concerned that the new framework jeopardises this and underwrites the existing, enforceable rules. Transitional and savings provisions should be introduced to protect schemes who already have rules in place or development consent prohibiting short term rentals.
- c. In general, the framework fails to consider the difficulties that strata schemes face when it comes to short-term letting. The proposed addition allowing strata schemes to adopt by-laws prohibiting short-term letting except for instances where owners reside in the apartment is not of much, if any assistance for us to properly regulate (or in our case, continue to prohibit) short-term letting. In order to enforce the by-law, strata schemes have to go to the Tribunal before they can begin the complaints process. This is a lengthy process and is at the great expense of the owners corporation.

We are also concerned about the impact of the new fire safety requirements that are to be imposed on hosts/owners of the dwellings, as it is unclear whether these requirements will become an imposition on the owners corporation who are responsible for fire safety systems in the building.

Though we are not entirely in favour of the new legislative framework, we appreciate that it is going to come into force and in order to manage this we strongly support the introduction of a mandatory registration system, which should be available to participants as well as the wider community. This should be monitored by a division of Fair Trading, much as contractor and agent licencing registration and regulation are monitored. Complaints should also be dealt with by Fair Trading, meaning there is one central entity for participants and other people to turn to and they are not passed between organisations or Councils.

We encourage the Government to ensure that the register is available to owners corporation's to facilitate better regulation of short term letting in strata schemes, and to assist the owners corporation in undertaking their duties to maintain and repair the common property.

The short-term rental industry has a place and a significant economic value in NSW, and if properly regulated it can continue to flourish without causing detriment to the neighbours and corporations directly engaged with it.

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

From a global perspective, the legislation is an adequate start in regulating the short-term letting industry. There are certain issues that we foresee arising if certain adaptations or amendments are not made, which we will detail in our discussions below. In brief, the key issues that we identify across the legislation, regulations and standards are:

- a. Inability for owners corporation's to decide whether to allow short term residencies within their buildings and as a consequence losing control over the nature and characteristics of the buildings in which they have heavily invested in;
- b. Inability for owners corporation's to monitor or access the register or information on the register for the purposes of enforcing by-laws;
- c. Inability for owners corporation's to determine and to monitor the maximum number of guests allowed in each short-term residential operated lot;
- d. Unclear reporting and support process for owners corporation's wanting to report breaches short-term letting regulations both in general and under any by-law the owners corporation chooses to adopt;
- e. Fast and effective by-law enforcement options (particularly against overseas investors);
- f. Obligations on participants to disclose strata by-laws;
- g. Unclear process regarding participant registration and whether they are required to disclose strata by-laws to Fair Trading upon registration;
- h. Lack of clarity regarding increased fire safety requirements and who is responsible for these.

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

We understand that there will be additional fire safety requirements that must be installed in properties who wish to operate as short-term rental accommodation.

We have several concerns in this regard that we would like to see some clarification on:

- a. It is unclear who will be responsible for regulating these requirements and conducting inspections to ensure that the properties are compliant with the fire safety standards;
- b. In strata schemes, in most instances the owners corporation are ultimately responsible for the fire safety systems. In particular, entry doors to the lot are generally fire doors which are common property and are the responsibility of the owners corporation. If the current doors are not compliant, the owners corporation will be responsible for this non-compliance as the door is common property. This means that any damage, injury or death that occurs as a result of the non-compliant door will likely be the responsibility of the owners corporation. It is extremely unfair to place this onus on the owners corporation without their knowledge, and without proper guidance to ensure that an owners corporation can monitor/regulate this, or that some government body to monitor/regulate this.
- c. Do these requirements form part of the AFSS for a strata scheme? That is to say, will the inspectors need to be made aware that particular lots are being used for short-term letting and therefore have additional

requirements? Will strata schemes be deemed non-compliant and not receive their AFSS if an inspector considers that a lot does not meet the requirements for short term rental accommodation?

- d. It appears that for properties who wish to operate as short-term rental accommodation, the additional costs of additional fire safety requirements ultimately lie with the owners corporation. Such additional costs have not been properly & equitably addressed in the draft instrument. We would like to see clarity in the legislation that lot owners are responsible for these fire safety measures and any additional costs arising out of these (for example, cost of installation, cost of inspections/certification, additional contributions towards annual fire safety inspections and the onus to notify the owners corporation of their short-term letting status so that fire inspectors are aware of the additional requirements to certify).

3. – No response

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

We do not consider the general obligations to be adequate, as they do not explicitly impose any penalty for non-compliance with strata by-laws. Non-compliance with strata laws and by-laws should be considered an offence for the purposes of the STRA. The enforcement procedures for owners corporation's under the *Strata Schemes Management Act 2015* can be lengthy and expensive, and additional protection (e.g. Fair Trading are able to place someone on the exclusion register for continuing or ongoing breaches of strata laws and by-laws) is critical to regulating short-term letting.

It is unclear and does not seem possible under the current proposed legislation, regulations and code for Fair Trading to enter someone on the exclusion register for continuing breaches of strata legislation and by-laws. This effectively leaves owners corporation's without remedy, as NCAT do not have the power to prohibit someone from undertaking short-term rental operations as a result of proceedings initiated by owners corporation's under the *Strata Schemes Management Act 2015*, nor does it allow the owners corporation to impose an administrative charge on the offending short-term rental operator for inconvenience caused and imposing a financial penalty does not often act as a deterrent for those making significant profit from short-term letting.

Part 6 of the Code implies that by-law contraventions can be used as evidence for a complaint, however it does not specify that these complaints are actionable.

- 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?**

STRA should consider obtaining information from owners corporations regarding:

- a. the type and nature of various by-law breaches that occur;
- b. the cost of damage and repairs to the common property required due to incidents involving short-term renters; and
- c. administrative costs to strata schemes in managing short-term rental by-laws. For example, if the buildings have a registration or induction process, key collection procedure or are required to increase security.

- 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?**

The specific obligations imposed on booking platforms etc are not adequate as they do not extend to incorporate obligations that owners and their agents have in relation to owners corporations.

We recommend that an obligation is imposed that requires a copy of the by-laws and any other information relevant to short-term letting in the particular building be made available to guests who book through online platforms.

There should be two parts to this, firstly the advertisement should indicate whether there are any special rules that apply to short-term letting in the building (e.g. where applicable, key collection and registration must be completed through the building manager). Secondly, hosts and their agents should be required to supply a copy of the by-laws and any other relevant material upon confirmation of a booking.

The reason this is an issue, is set out at question 4 above. In short – ongoing breaches should result in penalty such as being placed on the exclusion register. NCAT and owners corporation's do not have any power to do this.

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?

The complaints procedure appears mostly adequate. We have three comments:

- a. We recommend that (assuming complaints will be made online) there is a graphic or depiction demonstrating the steps of your complaint and showing you what stage of the process your complaint is up to. One of the most frustrating issues we get in dealing with government agencies is not being informed as to the status of a request/application etc. To prevent this, it would be useful to be able to log in to an account where you can track your complaint and see what stage it is up to, what the next steps are, and what the turnaround time is likely to be until we reach the next stage.
- b. As strata managers we anticipate that we will make complaints on behalf of owners corporation's from time to time and it is important that the complaints process is set up to facilitate this course of action.
- c. It would be useful for Fair Trading to provide some guidelines as to the type of evidence that can be submitted, and the form that those submissions of evidence should be presented in. This would hopefully encourage participants and complainants to utilise prescribed forms and enable them to submit valid and comprehensive documents to facilitate a quick, cheap and just resolution. If the process is simplified, it will also reduce the need to engage lawyers or expend unnecessary costs.

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?

Clause 7.1.3 should include provision for breaches of strata by-laws. This will enable participants to be entered on the exclusion register for ongoing/repeated breaches.

See our comments above in relation to strata by-law breaches being an excludable offence.

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

The exclusion register should firstly highlight which building does not allow for short-term residences except for circumstances where the owner resides in the lot. The register should be open to the public including potential future buyers and investors who are interested in a particular building.

Access should not be limited to industry participants; this should be available to owners corporation's to assist them in regulating short-term letting in their building as this has an impact on the use and management of the common property.

That being said, information on action taken, breaches that have been penalised and "strikes" should be available, along with the name of the host/agent and the street name and suburb of the dwelling. If further information is desired, for example the nature of the breach and the contact details of the host/agent, this should be requested from Fair Trading and made available if the reasons meet certain criteria. The criteria could be (for example) needing the contact details for service of notice of legal documents. This criteria would need to be further developed and included in the Fair Trading Amendment Regulation (if possible) or the Code of Conduct so that Fair Trading do not have ultimate discretion to decide, and have reasonable guidelines to turn to and rely upon.

By having information publicly available, accountability may be encouraged and hosts and agents might be encouraged to ensure that their dealings are compliant with the regulations.

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

Yes, the review process is clear. This information should be provided in a clear and comprehensive form on the Fair Trading STRA website so that participants are aware of their rights to have disciplinary action reviewed.

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?

Some short-term rentals are more profitable than others, meaning that in some instances the penalty (if monetary) will not be a deterrent to the behaviour being penalised. For example, we manage a high-end development in the Sydney CBD where the apartments are rented for thousands of dollars each weekend. A small monetary penalty will not be a deterrent to these owners who are wealthy in their own right, but are also bringing in thousands of dollars each month for short term letting.

In our view, it would be preferable to have a monetary penalty that was based on a percentage of the income made for either (depending on the nature of the breach):

- a. The particular stay that has led to the penalty action;
- b. The total income earned by that host in the previous financial year; or
- c. The total income earned by that host in the last quarter.

12. – No response

13. – No response

14. – No response

15. – No response

16. – No response

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

Those who directly benefit from the industry (i.e. hosts, agents and guests), should contribute to the costs. We consider that there is room for administrative costs to be levied as follows:

- a. By annual registration as a host or agent;
- b. Booking platforms should be required to pay an annual fee or a contribution on each booking should go towards administrative costs;
- c. Each booking could include a levy payable by the guest to Fair Trading as part of the booking for a stay in NSW.

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

Hosts should pay the highest proportion as they are the ones with financial gain and interest in the industry. Agents and booking platforms would come second, and the guests third with the lowest contribution.

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

See question 11.

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

We consider that the following systems and procedures may facilitate an efficient and effective registration system:

- a. A Fair Trading operated website should be designated to short term letting information and provide a portal for participants to log in to for further services;
- b. Through the online portal, a registration platform should be available for:
 - i. Buildings that do not participate in short-term residential arrangements except for where an owner resides permanently in the lot;
 - ii. As for buildings that participate in short-term residential arrangements:
 1. participants to submit their initial application along with an application fee to cover administrative costs involved in the initial registration and an annual fee;
 2. owners corporation's to register and pay an administrative fee in order to be provided with access to the register and receive alerts when a new registration is added at the address of the owners corporation;
 3. agents to register their details and pay an annual fee and registration fee;
- c. Fair Trading review and process the application to ensure:
 - i. Details are correct;
 - ii. Identification is verified;
 - iii. Contracts (for agents) are provided;
 - iv. Proof of ownership is verified;
 - v. Proof of residence is verified;
 - vi. By-laws are provided and reviewed to ensure they do not prohibit short-term letting if the owner is not a permanent resident
- d. Successful applications are approved and entered into a register;
- e. There should be different "types" of registration, such as in-house hosts, or non-residence hosts, along with a calculation of the number of days booked so far in order to keep track and know when a participant is reaching the limit for their "type" of registration;
- f. If an application is added to the register, any owners corporation registered at that address receives a notification alerting them to the new registration, it will also let them know whether the applicant is a resident, or is a non-resident host;
- g. A log-in portal should be available for participants to log in and see the status of their application and, once approved, enable them to pay their annual fee;
- h. Using AI, a system could be established that will monitor payment of fees and de-register participants if fees are not paid;
- i. The website should include an online complaints form, where people can lodge complaints;
- j. Once complaints have been received, the complainant should have access to a tracking system so they know how their complaint is progressing by logging in to the portal and they will understand what steps need to be taken;
- k. Access to a register showing those participants who have been struck-off should also be available through a website designated to short-term rental services.

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

The NSW Government are best placed to properly assess this; however, we would anticipate the following costs would need to be considered:

- a. Registrations – monitoring, data entry, review, updating and removing,
- b. Software development and updates
- c. Complaints – processing, making decisions, liaising with complainants and participants, mediation/conciliation (similar to Tribunal process but with adjudication on paper rather than hearings);
- d. Other admin – general queries, industry updates, postal services

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

Fair Trading should develop and oversee the register. The Government should consider engaging an independent person to either oversee the process or to inspect the process and ensure that it meets the needs of the end user, as well as the relevant laws and regulations.

23. Are there other outcomes a register should deliver?

The register should also provide owners corporation's with a means of auditing short-term letting in their building for the purposes of enforcing any short-term letting by-laws or otherwise ensuring compliance with strata rules and by-laws by owners, occupiers and guests to the building.

24. – No response

25. – No Response

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

Yes, there should be additional penalties for a failure to register. This could be in the form of a fine and would go towards STRA industry costs. There should also be a stand-down period of 6-12 months for failure to register, depending on the nature of the failure. For example, a failure to register is an immediate 6-month stand-down (where the participant cannot short-term let their dwelling), increasing to 12 months for those who have received prior notice yet continued to operate without registration.

Additionally, a monetary penalty should be imposed on booking platforms who do not first verify that a host or agent is registered.

Lastly, the owners corporation should have the right to refuse entry of any customers of short-term residential business operators for consistent breaches of the by-laws.

27. What information should the register collect? Why?

The proposed data contained in the Discussion Paper appears sufficient. The onus should be on the participant to ensure that the data is updated. For example, booking platforms should be required to migrate booking data to the register.

Some of this data should be available to owners corporation's, such as the name and contact details, apartment address, records of breaches/enforcement action/"strikes" and number of days booked throughout the year.

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

It should be the responsibility of each industry participant to register their own information and provide all relevant documentation for STRA industry to be able to process it.

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

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

Yes, information should be available to the public via a “quick search” function as follows:

- a. Name of host/agent;
- b. Street name and suburb of dwelling;
- c. Whether the dwelling is in a strata plan;
- d. Whether the host/agent has any “strikes”;
- e. Whether the host resides at the dwelling or not;
- f. The total number of days the dwelling has been booked so far that year.
- g. Max number of guests permissible on each stay

This will allow for transparency without compromising the privacy of the host. It will enable participants and owners corporation’s to quickly check the register for information, without having to log in and make formal requests/subscribe to an annual service. For further information such as contact details, enforcement action or breach records, the person must be registered to the portal and pay a subscription or nominal administrative fee in order to have access throughout the year.

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?

Government and local Councils should have access to this information as required, rather than being provided with a report. This should be facilitated either by permitting Government and local Council’s access to the website portal, or by a request process to Fair Trading. The issue in having a request process is that the turnaround time may be lengthy, and is not efficient for the purposes of obtaining information promptly.

If portal access can be provided Government and local Council’s will be able to access the information they need, as they need it.

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

See question 30.

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

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

In response to both questions 33 and 34, we do not have any comment on the lead time as we do not know what steps will need to be taken by the Government to establish the industry. We do consider that it needs to be done as soon as possible, as the legislative changes were made some time ago and participants and owners corporations are in limbo waiting for the next steps to be actioned.

We consider that a staged implementation is appropriate. owners corporations are presently in limbo, unable to enforce new by-laws but desperately wanting to get a handle on their short-term letting situations. We support the implementation of the new legislation this year, with the registration process to follow in early-mid 2020.

This will enable the industry to exit the “holding-period” it has been in whilst waiting for certainty around the new regulations and will benefit all those affected by the short-term letting industry.

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

The proposed scope is mostly adequate, except for the lack of consideration that owners corporation should be given a say whether their residents should be able to participate in STRA. We also recommend that it is also used as an insight into the most common issues experienced in strata that are a result of short-term letting. A further submission period should be permitted as the new regulations reach their 12 month anniversary which will call

for comments and critiques on the application of the regulations so far, and whether it adequately meets the needs of those impacted.

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?

Industry participants, strata and building managers and owners corporations will be valuable sources of data. As mentioned above, a call for submissions would be an appropriate means of collecting this data.

An online feedback forum could also be useful, where people can complete a form with specifically targeted questions covering issues that the industry is facing.

Summary

In summary, setting aside that we do not necessarily support the new framework, we do not consider that the legislation and code adequately provide for owners corporations and would like to see further regulations introduced to provide greater clarity or authority on the following:

- a. Owners corporations should be allowed to decide whether short-term letting is permitted in their building, subject to a special resolution.
- b. A register should be established that is accessible by owners corporation's to assist them in enforcing any by-laws or rules in place pertaining to short-term letting.
- c. Through the register, owners corporation's should be able to access information pertaining to any lot that is in their strata scheme.
- d. The register should include details of any strikes or breaches and this should be available to owners corporation's in order to monitor the use of the common property by short-term residents of that particular lot.
- e. Owners corporation's should be empowered to charge administrative fees to owners where costs are incurred in monitoring compliance with by-laws and use of the common property.
- f. Owners corporation's should be empowered to determine and monitor occupancy of lots being let as short-term accommodation in order to prevent overcrowding and mitigate risks associated with overcrowding.
- g. A clear and simple reporting system should be established for owners corporation's to report by-law and other breaches relating to short-term letting. Owners corporation's should not need to obtain NCAT orders before a breach of by-law can be reported and penalty action taken by the STRA industry as this is not cost effective or efficient.
- h. An obligation should be imposed on participants to disclose by-laws to guests prior to check-in.
- i. The legislation should make explicitly clear that the lot owner is responsible for additional fire safety requirements, including installation, costs and certification.

- j. It should also be clarified that the owners corporation is not responsible for any breach of these requirements and that additional costs incurred in obtaining the AFSS (e.g. additional time is spent by the fire inspector ensuring the lot is compliant or rectifying non-compliance) will be met by the owner of the lot.

These submissions are made on behalf of the The Owners – Strata Plan No 61131.



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SURRY HILLS

The Owners – Strata Plan No. 94106

Griffiths Teas

46-52 Wentworth Avenue

Surry Hills NSW 2010

Short Term Rental Accommodation Submissions

Submitted on behalf of

The Owners – Strata Plan No. 94106



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SURRY HILLS

Preamble to submissions

We make these submissions as the Strata Committee for an owners corporation in the inner-city suburb of Surry Hills that was completed in late 2017.

We are pleased to have this opportunity to make submissions in relation to short-term letting, as this industry is highly topical in this building.

We wish to preface our submissions by advising that they come from a perspective and focus of the effect the proposed and existing legislation has on strata schemes and owners corporations. We have not put significant consideration into the impact short-term letting has on stand-alone/non-strata housing.

We consider that changes to the legislation and code of conduct to suit strata schemes as recommended below will not be in conflict with or have an impact on the legislative effect on stand-alone or non-strata housing.

Owners Corporations are responsible for the maintenance and repair of the common property, and should ultimately, owners corporations be able to regulate how the common property is being used. Luckily, we have not experienced any damage to the common property to date, however based on examples we have heard from other strata schemes, it may only be a matter of time before we are impacted as well and our options to recover the costs incurred in this damage are costly to pursue.

To highlight the impact that short term letting has had on us so far, we have set out below some examples of incidents that have occurred in the last few months:

- Inability or difficulty to gain access for Annual Fire Safety Certification requirements;
- Increased risk to safety of residents and property within the building as access ways misused or kept open;
- Overcrowding is difficult to control as short-term residents do not have any controls in place to check how many people are staying at the dwelling (unlike hotels where staff are able to check people in and ensure occupancy limits are not exceeded).

We are also concerned about the impact of the new fire safety requirements that are to be imposed on hosts/owners of the dwellings, as it is unclear whether these requirements will become an imposition on the owners corporation who are responsible for fire safety systems in the building.

We hope to see better options available to Owners Corporation's that empower them to make decisions whether to allow for short-term residents, to monitor and regulate short-term letting within their building in order to lessen the impact on residents, enable the recovery of costs where damage is caused by short-term residents and to ensure that the behaviour of short-term renters generally improves.

We strongly support the introduction of a mandatory registration system, which should be available to participants as well as the wider community. This should be monitored by a division of Fair Trading, much as contractor and agent licencing registration and regulation are monitored. Complaints should also be dealt with by Fair Trading, meaning there is one central entity for participants and other people to turn to and they are not passed between organisations or Councils.

We encourage the Government to ensure that the register is available to owners corporation's to facilitate better regulation of short term letting in strata schemes, and to assist the owners corporation's in undertaking their duties to maintain and repair the common property.

The short-term rental industry has a place and a significant economic value in NSW, and if properly regulated it can continue to flourish without causing detriment to the neighbours and corporations directly engaged with it.



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

From a global perspective, the legislation is an adequate start in regulating the short-term letting industry. There are certain issues that we foresee arising if certain adaptations or amendments are not made, which we will detail in our discussions below. In brief, the key issues that we identify across the legislation, regulations and standards are:

- Inability for Owners Corporation's to monitor or access the register or information on the register for the purposes of enforcing by-laws;
- Inability for Owners Corporations to determine and to monitor the maximum number of guests allowed in each short-term residential operated lot;
- Unclear reporting and support process for Owners Corporation's wanting to report breaches short-term letting regulations both in general and under any by-law the Owners Corporation chooses to adopt;
- Fast and effective by-law enforcement options (particularly against overseas investors);
- Obligations on participants to disclose strata by-laws;
- Unclear process regarding participant registration and whether they are required to disclose strata by-laws to Fair Trading upon registration;
- Lack of clarity regarding increased fire safety requirements and who is responsible for these.

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

We understand that there will be additional fire safety requirements that must be installed in properties who wish to operate as short-term rental accommodation.

We have several concerns in this regard that we would like to see some clarification on:

- a. It is unclear who will be responsible for regulating these requirements and conducting inspections to ensure that the properties are compliant with the fire safety standards;
- b. In strata schemes, in most instances the owners corporation are ultimately responsible for the fire safety systems. In particular, entry doors to the lot are generally fire doors which are common property and are the responsibility of the owners corporation. If the current doors are not compliant, the owners corporation will be responsible for this non-compliance as the door is common property. This means that any damage, injury or death that occurs as a result of the non-compliant door will likely be the responsibility of the owners corporation. It is extremely unfair to place this onus on the owners corporation without their knowledge, and without proper guidance to ensure that an owners corporation can monitor/regulate this, or that some government body to monitor/regulate this.
- c. Do these requirements form part of the AFSS for a strata scheme? That is to say, will the inspectors need to be made aware that particular lots are being used for short-term letting and therefore have additional requirements? Will strata schemes be deemed non-compliant and not receive their AFSS if an inspector considers that a lot does not meet the requirements for short term rental accommodation?
- d. It appears that for properties who wish to operate as short-term rental accommodation, the additional costs of additional fire safety requirements lie with the owners' corporation. Such additional costs do not appear to have been properly & equitably addressed in the draft instrument.

3. – No response



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

We do not consider the general obligations to be adequate, as they do not explicitly impose any penalty for non-compliance with strata by-laws. Non-compliance with strata laws and by-laws should be considered an offence for the purposes of the STRA. The enforcement procedures for Owners Corporation's under the *Strata Schemes Management Act 2015* can be lengthy and expensive, and additional protection (e.g. Fair Trading are able to place someone on the exclusion register for continuing or ongoing breaches of strata laws and by-laws) is critical to regulating short-term letting.

It is unclear and does not seem possible under the current proposed legislation, regulations and code for Fair Trading to enter someone on the exclusion register for continuing breaches of strata legislation and by-laws. This effectively leaves Owners Corporation's without remedy, as NCAT do not have the power to prohibit someone from undertaking short-term rental operations as a result of proceedings initiated by Owners Corporation's under the *Strata Schemes Management Act 2015*, and imposing a financial penalty does not often act as a deterrent for those making significant profit from short-term letting.

Part 6 of the Code implies that by-law contraventions can be used as evidence for a complaint, however it does not specify that these complaints are actionable.

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?

STRA should consider obtaining information from owners corporations regarding:

- the type and nature of various by-law breaches that occur;
- the cost of damage and repairs to the common property required due to incidents involving short-term renters; and
- administrative costs to strata schemes in managing short-term rental by-laws. For example, if the buildings have a registration or induction process, key collection procedure or are required to increase security.

Examples of costs incurred in several of the buildings we manage:

- a. In 2017 over \$2,000,000.00 was caused in damage due to a flood started by short-term renters who were misusing common property;
- b. Replacement of fire doors (approximately \$ each time) in circumstances where short-term tenants have found themselves locked in fire stairs and unable to enter the building or the level of their apartment;
- c. The building manager and Strata Sense have spent approximately 20 hours managing various breaches of by-laws and security, issuing breach notices and following up with agents and occupants on a new building in the CBD in August alone. These costs are not recoverable at this stage.

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?

The specific obligations imposed on booking platforms etc are not adequate as they do not extend to incorporate obligations that owners and their agents have in relation to owners corporations.



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We recommend that an obligation is imposed that requires a copy of the by-laws and any other information relevant to short-term letting in the particular building be made available to guests who book through online platforms.

There should be two parts to this, firstly the advertisement should indicate whether there are any special rules that apply to short-term letting in the building (e.g. where applicable, key collection and registration must be completed through the building manager). Secondly, hosts and their agents should be required to supply a copy of the by-laws and any other relevant material upon confirmation of a booking.

The reason this is an issue, is set out at question 4 above. In short – ongoing breaches should result in penalty such as being placed on the exclusion register. NCAT and Owners Corporation's do not have any power to do this.

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?

The complaints procedure appears mostly adequate. We have three comments:

- a. We recommend that (assuming complaints will be made online) there is a graphic or depiction demonstrating the steps of your complaint and showing you what stage of the process your complaint is up to. One of the most frustrating issues we get in dealing with government agencies is not being informed as to the status of a request/application etc. To prevent this, it would be useful to be able to log in to an account where you can track your complaint and see what stage it is up to, what the next steps are, and what the turnaround time is likely to be until we reach the next stage.
- b. As strata managers we anticipate that we will make complaints on behalf of Owners Corporation's from time to time and it is important that the complaints process is set up to facilitate this course of action.
- c. It would be useful for Fair Trading to provide some guidelines as to the type of evidence that can be submitted, and the form that those submissions of evidence should be presented in. This would hopefully encourage participants and complainants to utilise prescribed forms and enable them to submit valid and comprehensive documents to facilitate a quick, cheap and just resolution. If the process is simplified, it will also reduce the need to engage lawyers or expend unnecessary costs.

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?

Clause 7.1.3 should include provision for breaches of strata by-laws. This will enable participants to be entered on the exclusion register for ongoing/repeated breaches.

See our comments above in relation to strata by-law breaches being an excludable offence.

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

Access should not be limited to industry participants; this should be available to owners corporation's to assist them in regulating short-term letting in their building as this has an impact on the use and management of the common property.

That being said, information on action taken, breaches that have been penalised and "strikes" should be available, along with the name of the host/agent and the street name and suburb of the dwelling. If further information is desired, for example the nature of the breach and the contact details of the host/agent, this should be requested from Fair Trading and made available if the reasons meet certain criteria. The criteria could be (for example) needing the contact details for service of notice of legal documents. These criteria would need to be further



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developed and included in the Fair Trading Amendment Regulation (if possible) or the Code of Conduct so that Fair Trading do not have ultimate discretion to decide, and have reasonable guidelines to turn to and rely upon.

By having information publicly available, accountability may be encouraged and hosts and agents might be encouraged to ensure that their dealings are compliant with the regulations.

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

Yes, the review process is clear. This information should be provided in a clear and comprehensive form on the Fair Trading STRA website so that participants are aware of their rights to have disciplinary action reviewed.

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?

Some short-term rentals are more profitable than others, meaning that in some instances the penalty (if monetary) will not be a deterrent to the behaviour being penalised. For example, we manage a high-end development in the Sydney CBD where the apartments are rented for thousands of dollars each weekend. A small monetary penalty will not be a deterrent to these owners who are wealthy in their own right, but are also bringing in thousands of dollars each month for short term letting.

In our view, it would be preferable to have a monetary penalty that was based on a percentage of the income made for either (depending on the nature of the breach):

- a. The particular stay that has led to the penalty action;
- b. The total income earned by that host in the previous financial year; or
- c. The total income earned by that host in the last quarter.

12. – No response

13. – No response

14. – No response

15. – No response

16. – No response

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

Those who directly benefit from the industry (i.e. hosts, agents and guests), should contribute to the costs. We consider that there is room for administrative costs to be levied as follows:

- By annual registration as a host or agent;
- Booking platforms should be required to pay an annual fee or a contribution on each booking should go towards administrative costs;
- Each booking could include a levy payable by the guest to Fair Trading as part of the booking for a stay in NSW.

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

Hosts should pay the highest proportion as they are the ones with financial gain and interest in the industry. Agents and booking platforms would come second, and the guests third with the lowest contribution.

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

See question 11.

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



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We consider that the following systems and procedures may facilitate an efficient and effective registration system:

- (i) A Fair Trading operated website should be designated to short term letting information and provide a portal for participants to log in to for further services;
- (ii) Through the online portal, a registration platform should be available for:
 - a. participants to submit their initial application along with an application fee to cover administrative costs involved in the initial registration and an annual fee;
 - b. owners corporation's to register and pay an administrative fee in order to be provided with access to the register and receive alerts when a new registration is added at the address of the owners corporation;
 - c. agents to register their details and pay an annual fee and registration fee;
- (iii) Fair Trading review and process the application to ensure:
 - a. Details are correct;
 - b. Identification is verified;
 - c. Contracts (for agents) are provided;
 - d. Proof of ownership is verified;
 - e. Proof of residence is verified;
 - f. By-laws are provided and reviewed to ensure they do not prohibit short-term letting if the owner is not a permanent resident
- (iv) Successful applications are approved and entered into a register;
- (v) There should be different "types" of registration, such as in-house hosts, or non-residence hosts, along with a calculation of the number of days booked so far in order to keep track and know when a participant is reaching the limit for their "type" of registration;
- (vi) If an application is added to the register, any owners corporation registered at that address receives a notification alerting them to the new registration, it will also let them know whether the applicant is a resident, or is a non-resident host;
- (vii) A log-in portal should be available for participants to log in and see the status of their application and, once approved, enable them to pay their annual fee;
- (viii) Using AI, a system could be established that will monitor payment of fees and de-register participants if fees are not paid;
- (ix) The website should include an online complaints form, where people can lodge complaints;
- (x) Once complaints have been received, the complainant should have access to a tracking system so they know how their complaint is progressing by logging in to the portal and they will understand what steps need to be taken;
- (xi) Access to a register showing those participants who have been struck-off should also be available through a website designated to short-term rental services.

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

The NSW Government are best placed to properly assess this; however, we would anticipate the following costs would need to be considered:

- Registrations – monitoring, data entry, review, updating and removing,
- Software development and updates
- Complaints – processing, making decisions, liaising with complainants and participants, mediation/conciliation (similar to Tribunal process but with adjudication on paper rather than hearings);
- Other admin – general queries, industry updates, postal services

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



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Fair Trading should develop and oversee the register. The Government should consider engaging an independent person to either oversee the process or to inspect the process and ensure that it meets the needs of the end user, as well as the relevant laws and regulations.

23. Are there other outcomes a register should deliver?

The register should also provide owners corporations with a means of auditing short-term letting in their building for the purposes of enforcing any short-term letting by-laws or otherwise ensuring compliance with strata rules and by-laws by owners, occupiers and guests to the building.

24. – No response

25. – No Response

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

Yes, there should be additional penalties for a failure to register. This could be in the form of a fine and would go towards STRA industry costs. There should also be a stand-down period of 6-12 months for failure to register, depending on the nature of the failure. For example, a failure to register is an immediate 6-month stand-down (where the participant cannot short-term let their dwelling), increasing to 12 months for those who have received prior notice yet continued to operate without registration.

Additionally, a monetary penalty should be imposed on booking platforms who do not first verify that a host or agent is registered.

27. What information should the register collect? Why?

The proposed data contained in the Discussion Paper appears sufficient. The onus should be on the participant to ensure that the data is updated. For example, booking platforms should be required to migrate booking data to the register.

Some of this data should be available to owners corporations, such as the name and contact details, apartment address, records of breaches/enforcement action/"strikes" and number of days booked throughout the year.

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

It should be the responsibility of each industry participant to register their own information and provide all relevant documentation for STRA industry to be able to process it.

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

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

Yes, information should be available to the public via a "quick search" function as follows:

- a. Name of host/agent;
- b. Street name and suburb of dwelling;
- c. Whether the dwelling is in a strata plan;
- d. Whether the host/agent has any "strikes";
- e. Whether the host resides at the dwelling or not;
- f. The total number of days the dwelling has been booked so far that year.

This will allow for transparency without compromising the privacy of the host. It will enable participants and owners corporation's to quickly check the register for information, without having to log in and make formal



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requests/subscribe to an annual service. For further information such as contact details, enforcement action or breach records, the person must be registered to the portal and pay a subscription or nominal administrative fee in order to have access throughout the year.

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?

Government and local Councils should have access to this information as required, rather than being provided with a report. This should be facilitated either by permitting Government and local Council's access to the website portal, or by a request process to Fair Trading. The issue in having a request process is that the turnaround time may be lengthy, and is not efficient for the purposes of obtaining information promptly.

If portal access can be provided Government and local Council's will be able to access the information they need, as they need it.

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

See question 30.

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

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

In response to both questions 33 and 34, we do not have any comment on the lead time as we do not know what steps will need to be taken by the Government to establish the industry. We do consider that it needs to be done as soon as possible, as the legislative changes were made some time ago and participants and owners corporations are in limbo waiting for the next steps to be actioned.

We consider that a staged implementation is appropriate. Owners Corporations are presently in limbo, unable to enforce new by-laws but desperately wanting to get a handle on their short-term letting situations. We support the implementation of the new legislation this year, with the registration process to follow in early-mid 2020.

This will enable the industry to exit the "holding-period" it has been in whilst waiting for certainty around the new regulations and will benefit all those affected by the short-term letting industry.

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

The proposed scope is mostly adequate, we recommend that it is also used as an insight into the most common issues experienced in strata that are a result of short-term letting. A further submission period should be permitted as the new regulations reach their 12-month anniversary which will call for comments and critiques on the application of the regulations so far, and whether it adequately meets the needs of those impacted.

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?

Industry participants, strata and building managers and owners corporations will be valuable sources of data. As mentioned above, a call for submissions would be an appropriate means of collecting this data.

An online feedback forum could also be useful, where people can complete a form with specifically targeted questions covering issues that the industry is facing.

Summary

In summary, we do not consider that the legislation and code adequately provide for owners corporations and would like to see further regulations introduced to provide greater clarity or authority on the following:



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- a. A register should be established that is accessible by owners corporation's to assist them in enforcing any by-laws or rules in place pertaining to short-term letting.
- b. Through the register, owners corporation's should be able to access information pertaining to any lot that is in their strata scheme.
- c. The register should include details of any strikes or breaches and this should be available to owners corporation's in order to monitor the use of the common property by short-term residents of that particular lot.
- d. Owners corporations should be empowered to determine and monitor occupancy of lots being let as short-term accommodation in order to prevent overcrowding and mitigate risks associated with overcrowding.
- e. A clear and simple reporting system should be established for owners corporation's to report by-law and other breaches relating to short-term letting. Owners corporations should not need to obtain NCAT orders before a breach of by-law can be reported and penalty action taken by the STRA industry as this is not cost effective or efficient.
- f. An obligation should be imposed on participants to disclose by-laws to guests prior to check-in.
- g. The legislation should make explicitly clear that the lot owner is responsible for additional fire safety requirements, including installation, costs and certification.
- h. It should also be clarified that the owners corporation is not responsible for any breach of these requirements and that additional costs incurred in obtaining the AFSS (e.g. additional time is spent by the fire inspector ensuring the lot is compliant or rectifying non-compliance) will be met by the owner of the lot.

These submissions are made on behalf of the Owners Corporation – Strata Plan No 94106.

Susan Hancock

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The Owners SP89828
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FOREST LODGE NSW 2037

9 September 2019

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

Dear Sir

We write on behalf of the Owners Corporation of Strata Plan 89828 situated in Forest Lodge NSW and bounded by Scotsman St, Ross Street, Grattan Close and Minogue Crescent. There are 298 residential units in the Strata Plan.

The Development Consent for our Strata Plan 89828 contained conditions of approval which only allows residential use by owners or by leasing subject to the Residential Tenancies Act 2010 for a minimum of 3 months. Other short term uses such as temporary rental of rooms, serviced apartments, backpacker use are not permitted. This conditional approval based on Local Government regulations will be breached by the proposed STRA Regulations and we object on the grounds that the property was purchased with those restrictions in place to safeguard against any short term letting not subject to the Residential Tenancies Act 2010. We submit that any properties which have these restrictions placed on them should be exempted from the STRA regulations being proposed by the NSW Government.

We make the following general submissions:

A. Proposed STRA Property Register and compliance with NSW Government regulations

We have previously made submissions regarding short term rental accommodation and are pleased to learn that the NSW Government has listened to the community concerns and is working towards the introduction of a mandatory registration system as part of the regulatory framework.

In our view, a Property Register is a crucial element for the oversight and monitoring of the participants in the STRA scheme:

Enabling all properties used for STRA to be individually and uniquely identified

Ensuring only properties registered are available as STRA

Providing an up-to-date, accurate and accessible source of data on STRA properties in NSW, including number of stays (days) and compliance and enforcement action.

As the NSW Government is planning to introduce Fire Safety Standard regulations, and other laws setting out particular conditions to be imposed on the scheme, in our view it would be necessary to have the Property Register maintained by NSW Government or an independent body appointed by the Government, who would be responsible for the inspection of all properties to ascertain their compliance with these mandatory regulations

before they can be registered, uniquely identified and entered on the Property Register. We consider that the setting up of the Property Register should be **funded by the industry** (booking platforms and/or property letting hosts) because they are the ones reaping the benefits, but **controlled by NSW Government or independent body appointed by the Government**. A state-based Property Register would be the most effective tool for monitoring STRA.

NSW Government should provide an industry-standard model to be used by all booking platforms so that all necessary information is included on the Property Register. In addition to the data for collection set out in the Discussion Paper being:

1. The name and contact details of the host
2. The street address of the property
3. The number of days properties are booked for STRA
4. If in a strata building, whether STRA complied with the bylaws
5. Records of any breaches, enforcement action or 'strikes'
6. Confirmation that the host or property is not listed on the exclusion register

we submit it should also include:

7. **If in a strata building, whether the property is the host's principal place of residence**
8. **Whether the property complies with the STRA Fire Safety Standard for that dwelling**
9. **Evidence of appropriate insurances, including public liability**

As the **STRA Fire Safety Standard** would be a requirement under NSW Government regulations, it is crucial that properties used for STRA are inspected and certified as compliant before they are registered and therefore unable to operate without a certificate of compliance. A suitable charge by a certifier, would be payable by the STRA host. Whether inspections are carried out by NSW Government, local Councils or private certifiers, it is essential that every STRA property submitted for registration on the Property Register, is inspected by a certifier and issued with a Certificate of Compliance with the Fire Safety Standard which must be provided when a property is put forward for registration. No Certificate of Compliance, no registration.

With regard to strata buildings, we suggest that compliance checks could be linked to the annual fire safety inspections of all units to confirm continuing compliance with the regulations and a failure to obtain the recertification should trigger suspension of the STRA registration until resolved.

On reading the Fire Safety Standard, we understand that as well as installing smoke alarms in each bedroom, they must be fitted to activate, in the case of smoke/fire present in the dwelling, a system of evacuation lighting installed in corridors, hallways or the like **within the dwelling** (5.2).

Similarly, 5.4 stipulates that any door that opens to a **corridor or hallway in the dwelling** (as well as any door that opens to an area within the building that is outside the dwelling) must be self-closing and fitted with medium temperature smoke seals that are able to withstand smoke at 200°C for 30 minutes..... We read this as meaning that every bedroom door must meet those requirements.

None of the apartments in our strata complex would meet the above requirements and arguably we submit there may be very few apartments which would currently comply. **It is**

therefore imperative that all STRA dwellings in strata buildings are inspected for compliance before being registered on the Property Register.

There appears to be no requirement for entrance doors to units or any other doors, to be fire rated, except for the fitting of smoke seals.

There does not appear to be any mention of combustible cladding in buildings, which is a major fire risk. Any buildings with combustible cladding must be excluded from registration until the building is declared safe.

It is equally important that appropriate **insurances**, including public liability, are in place, held by the STRA host for their property, and a certificate of currency should be provided to the Property Register authority when a property is put forward for registration. No certificate of currency, no registration.

The STRA host would then need to submit a **certificate of currency** each year to retain their place on the Register as a complying property.

The information contained on the Register would, we expect, be accessible by all relevant government departments, including the Australian Taxation Office to access details of income earned during each financial year for inclusion on the taxpayer's portal. Local Councils, NSW Fire Brigade and Police should also have access to the Property Register.

As to what information should be made **publicly available, for strata buildings** it would be appropriate to have at least the **information listed in points 2-9 above (but also including emergency contact details to be provided to an Owners Corporation representative, building manager or strata manager)**. The current situation for booking platforms is that the host's name (often a pseudonym) is shown online but not the street address. The current situation in our case, with 298 apartments, is we cannot know how many apartments are being used for short term letting at any time. It is in those instances where there is a problem with noise, disturbances or obvious frequency of inhabitants entering and leaving the property with suitcases, that we are alerted to the situation. With the information on the Register being available to owners corporation or strata manager, it can be checked to ensure that the dwellings being let for STRA comply with NSW Government regulations for the industry.

The question of **building insurance liability** has not been addressed by the NSW Government. Although our strata building complies with the requisite Fire Safety regulations for our Class of building, it is not fitted with smoke alarms in each bedroom, nor self-closing bedroom doors fitted with medium temperature smoke seals that are able to withstand smoke at 200°C for 30 minutes and therefore does not comply with the NSW Government Fire Safety Standard proposed for STRA. If STRA properties are not inspected at the outset and certified compliant, in the event of a fire, if the property does not comply with the NSW Government Fire Safety Standard, it is possible our strata building insurance company may refuse a claim. **Therefore it is imperative that all STRA properties are inspected for compliance with the proposed Fire Safety Standard before they can be registered on the Property Register.**

Without compliance checks of properties before they are listed on the Property Register, it is of concern to us that prospective STRA operators in our building, may try to carry out (or engage others to carry out) works to comply, without seeking the approval of the Owners Corporation and this could compromise the whole fire alarm system within our building, putting many other lives at risk in the event of fire. This is further proof that all STRA properties should be inspected for compliance by a certifier (whether it be Council or a

private certifier) and a Certificate of Compliance issued before they can be entered on the Register.

We also do not agree with the proposal that where the host is not present, and the booking is for 21 or more consecutive days, the booking will not count towards the annual threshold. There appears to be no limit to the number of 21 day periods and in effect a property could be let for close to 365 days in any one year, making a mockery of the imposition of any threshold.

B. Discussion Paper

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

The provisions do not detail a mechanism to ensure the safety standards are complied with. However independent expert certification of compliance is required & there is a further need to be recertified on an annual basis as is currently required for apartment fire certification.

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

Yes in relation to the fire safety standard it would seem to cover doors opening on to internal hallways & corridors & therefore these doors need to be fire rated.

We suggest that a 21 consecutive booking could simply be an extended holiday not necessarily related persons working away. And so what if they are working away? There is no evidence to support the exclusion of these bookings as they are merely a matter of chance & the host gets a lucky break to total up their 180 days perhaps a little more quickly. It could well be that persons working away are more disruptive to neighbours because they might leave for work at an ungodly hour.

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

It would seem to be obvious that persons not familiar with an area are at substantially higher risk in these locations. Local residents are losing their lives regularly in bushfire seasons & you could assume they would have some idea on how to react to a bushfire or flood emergency. A visitor, particularly an overseas visitor to the area would be at significant risk. It would seem properties in these areas in the bushfire season & certainly in periods of high fire danger ought to be excluded from the register at those times.

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

Industry participants must act very promptly to update the register, to correct errors, to produce information requested by the Commissioner & comply with directions issued by the commissioner. A general requirement of 5 working days would seem enough time.

There ought to be a requirement that industry participants be of good character. Persons with recent convictions for violent crime or crimes of dishonesty, persons with recent convictions for drug trafficking or people trafficking should be excluded from the industry for 5 years. Persons subject to AVOs should also be excluded from the industry until the AVO is withdrawn.

Police & local councils ought to be able to apply to have a person excluded from participating if they have concerns for public safety.

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 needs to collect information that measures the benefits of the sector to the economy & measures the social impact the industry is having in our community - How much revenue is being generated, who are the participant groups & how much money are each group is earning, how much revenue is being returned to the Australian community.

Also information to be used to assess community impacts such as the effect on the supply of rental accommodation & contribution to public revenue needs to be collected & made available to any reviews of the sector.

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?

Booking platforms seem to be very lightly regulated & their obligations very limited. They need to be held accountable for the behavior of hosts & guests. Our personal experience has been that they turn a blind eye or obfuscate & dissemble when they could quickly cut through & bring poorly behaved hosts into line.

There is also a broader community concern that some of the booking platforms do not contribute to the Australian taxation system though they derive great benefit in being allowed to operate here. Freeloaders should be excluded.

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?

What is proposed is very short on detail. The process for handling complaints needs to be very timely, quick is a better word. The need to gather vast amounts of evidence will render the system unworkable. Perhaps the burden of proof might need to be reversed at least in part.

For instance if two affected neighbours complain of excessive noise & police attended and confirmed the noise was excessive then that ought to be sufficient.

Similarly if police attended & confirmed drug dealing was occurring then it would also be sufficient.

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 do not agree with warnings being given for breaching the code. If the code has been breached then a breach notice ought to be given and a strike be recorded. If you breach the speed limit you are not given a warning, you receive a penalty & you lose points.

Generally the code is far too weak. If any participant acts irresponsibly they bring the STRA industry into disrepute & the Commissioner needs to be fair but tough otherwise the process will fail.

It is enough that a guest or host is threatening and/or abusive to record a strike. Violent behavior ought to result in immediate cancellation of registration & a 5 year ban from the STRA industry.

Similarly breaching the fire safety code would be grounds for a strike. Failure to maintain the fire warning system would be grounds for recording a strike.

Also if a platform is aware of misconduct or breach of fire safety standard or insurance obligations it must have a duty to suspend registration until the issue is determined.

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

Listing on the exclusion register is a price you pay for breaching the code. It ought to be publicly available & demonstrates that bad behavior will not be tolerated, and it is part of the punishment that comes as a consequence.

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

The review process needs to be swift. 21 days to apply for a review is too long. If aggrieved, 7 days ought to be sufficient.

Similarly, affected parties ought to be able to apply to review a decision not to list a person on the exclusion register.

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?

We are not sure what is meant here. It ought to be written in plain English.

Penalties need to work as a deterrent to discourage bad behavior. The penalty should prescribe minimum say \$550.00 & be scalable up for continuing or repeated breaches. Participants & corporations with revenue more than say \$20,000.00 ought to face higher penalties based on a % of their turnover.

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

The Commissioner ought to have the power to add other participants at any time if it is in the public interest to do so.

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

Do not have an opinion at this stage.

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

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

14 & 15 Do not have an opinion at this time.

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

Appeals should be decided on the facts alone.

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

The hosts should be charged a fee based on the gross revenue earned. It would be deducted from the guests' payment and remitted to the Department of Fair Trading on a real time basis. Participants with arrears on payments owed to Fair Trading would be excluded from the system until arrears are brought up to date.

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

Hosts would need to pay a fixed fee to be included on the participants register to cover the cost of certifying compliance with fire safety standard & insurance obligations & there would need to be an annual fee for recertification.

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

See point 11.

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

There is no evidence to suggest the industry is best placed or even well placed to administer the property register. We are only aware of evidence to the contrary. One only has to look to the banking industry royal commission, the various building industry inquiries in NSW to see that self-regulation has been a disaster with consumers being treated shabbily. A feared regulator with large & sharp teeth will be needed to keep STRA industry out of the evening news bulletins.

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

We would expect the cost to be significant if the register is to be effective & kept current. We would favour a levy charged on each property listed to cover the cost of establishing & running the register. There could be a sliding scale based on the maximum number of occupants that could be housed in the STRA.

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

The government role is to ensure the register is working effectively from day one & every other day the register is in existence. We do not want a system where after a year, or after some scandal, the Government does a lot of hand wringing and concludes the register is not working.

23. Are there other outcomes a register should deliver?

The main outcome must to ensure 100% compliance with the various codes & regulations.

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

Publicizing the need to register to operate a STRA, to comply with the codes & regulations & the financial & social cost of a failure to comply.

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

Applications to register should be independently vetted to ensure compliance would be the first step. Assessing of complaints received during the registration period would give continuing oversight & annual reregistration would provide comprehensive oversight.

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

There ought to be a financial penalty for failure to register imposed on the host & it ought to be sufficient to more than cancel out any moneys made during the unregistered period. Clearly a platform who offered STRA for an unregistered property should also be subject to a large financial penalty which would make that failure an extremely costly one financially & from the negative publicity that ought be given to the episode.

27. What information should the register collect? Why?

If a STRA unit does not comply with the strata building bylaws it should not be on the register. Similarly, with non-compliance with the fire code & insurance requirements

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

To provide accurate & timely information to the registrar and to correct or query information they know or suspect of being false & misleading.

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

The role of government is to provide the platform for registration, to ensure the information contained on the register is accurate & current & to enforce compliance in a timely manner.

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

The register should be made publicly available to give public confidence the system is working as it ought & that it is transparent.

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, it ought - and the information should be real time so the Government & local Councils can see the current situation with any property.

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

All the information should be publicly available as it will give the public confidence the industry is under control & behaving in a good neighbourly manner.

The public can see what is being presented as factual & if they believe that incorrect data is being put into the system they can challenge the truth of the data.

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

We are not in a position to comment for all participants & we feel the Government has a significant role to play in establishing & maintaining the register. We would imagine that 6 to 12 months ought be sufficient.

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

The regulatory framework would need to be developed in step with the register. Both will need some thought and effort on the part of the Government which has not shown it can move quickly with either.

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

Yes & the end result of the review needs to be a warts and all picture of the industry. The claims & counter claims need to be proved or discarded. The review needs to be conducted by an independent person in order that unfounded claims can be rejected.

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?

The principal source of the data should be collected from the register based on the actual moneys received & paid, the breaches recorded, an analysis of actual complaints upheld & dismissed. Opinion is not needed.

Thank you for your consideration of our submission.

Yours sincerely

The Owners Strata Plan 89828



The Palm Beach & Whale Beach Association Inc.

www.pbwba.org.au | PO Box 2 Palm Beach NSW 2108

NSW State Government's Short Term Rental Accommodation Proposals

Submission

INTRODUCTION

This submission is prepared by the Palm Beach & Whale Beach Association, whose principal role over the past 100 years has been to advocate on behalf of the residents and businesses of Palm Beach and Whale Beach. The Association appreciates the opportunity to put forward its views to assist the Department of Planning, Industry and Environment and the Department of Customer Service in the formulation of proposals for regulation of Short Term Rental Accommodation.

The Association is most interested in the impact regulation as put forward in the proposals would have on Palm Beach and Whale Beach but believes the points it wishes to make will have a significant effect on other areas such as much of the rest of the Northern Beaches and other areas of New South Wales, the economies of which significantly rely on tourist visits and summer accommodation.

Our comments below are set out under the following four main headings: -

- The proposed new State Environmental Planning Policy ("SEPP") dealing with additional planning requirements for STRA premises.
- The proposed new fire regulations for STRA premises, enforceable because of an amendment to the Environmental Planning Regulations.
- A proposed new Code of Conduct which will be administered primarily by the Commissioner of Fair Trading
- The proposed new register of STRA premises, to be set up and funded by an "industry body" – at present unidentified.

THE NEW SEPP

The principal issues with the new SEPP are: -

- The principal problems which emerged in the previous consultations were to do with problems in multi-unit buildings caused by over-use of facilities, noise, nuisance, rubbish and such issues. There was also the issue of competition with hotels caused by such lets. There were no major issues identified as arising from short term lets of

houses, (other than party houses and these are mostly dealt with in the SEPP and the Code of Conduct). There were no particular fire risk issues identified in the earlier consultations. There is no discussion in the current Discussion Paper about fire risks, other than the statement on page 10 *“The STRA SEPP will not provide a development application pathway for STRA on bushfire prone land > BAL40 risk rating”*. However the approach of the SEPP, taken as a whole, is punitive of short term lets of houses and in a way which is totally inconsistent with the treatment of longer term lets. Why are short term lets (1-20 days) a greater fire risk than longer term lets (21 days +)?

- It appears to be the intention that the use of premises for STRA is a development of the property, either exempt or complying, which will not need development approval if it complies with the limit on days specified below, and the other conditions set out in the SEPP. This is not clearly spelled out, nor is its application to premises already used as STRA premises because, in this case, there is no change of usage requiring planning permission.
- The total exclusion of STRA premises from exempt development in any fire-prone area and from complying development in bushfire attack level 40 (BAL-40) areas and bushfire flame zone areas is not based on any evidence cited in the discussion paper. It will affect substantial parts of Palm Beach and Whale Beach, including all or parts of 15 out of the 31 roads in these two suburbs, as well as significant parts of Avalon and Avalon Beach, Bilgola, Clareville, Newport, Mona Vale, Bayview, Church Point, Great Mackerel Beach, Currawong Beach, and Coasters Retreat, all of which areas include many properties let on holiday lets. Holiday and short term lets in these areas are not easily replaced with longer term lets. This will have a significant economic and financial impact on these local economies.
- We support the proposed limit of 2 persons to each bedroom or a maximum of 12 persons sleeping in each STRA premises, whichever is the lower. If the only mechanism for policing this requirement is an inspection of premises during ordinary hours, it will be extremely difficult to detect any contraventions.
- For a complying development, there must be a fire hydrant within 60 m of the dwelling – this is not something the owner of the property can do anything about.
- There is no rationalisation put forward for the day-limit of 180 days. It should not apply to single unit dwellings – they are not the competition that the hotels are agitated about.

The language of the SEPP is confusing. It says that *“Development of a property as STRA premises is”*. Does this mean that an existing property already used for STRA is not covered because it does not require “development”?

PROPOSED NEW FIRE REGULATIONS

- The requirements for smoke and heat alarms in single houses are far in excess of what is required for long-term lets;
- We support the requirements for each STRA property in a multi-unit development that it be fitted with a self-closing exit fire door able to be opened from the inside without a key.

- The requirement that there be a fire extinguisher and fire blanket in the kitchen of STRA premises in multi-unit buildings should be extended to all STRA lets, whether single houses or in multi-unit buildings. In fact this requirement should be extended to all lets whether short-term or longer term.

There is no specific requirement that existing STRA premises, particularly single-unit dwellings, have to bring themselves somehow within the new SEPP provisions.

THE CODE OF CONDUCT

During the earlier consultation on STRA premises, we advocated for a mandatory code of conduct (including provision for strikes) and we fully support the new proposed Code. Although there are no specific provisions relating to party houses, we believe that the limits on the number of guests in the SEPP plus this Code of Conduct will go a long way towards alleviating the problem of party houses. Administration of the code by the Commissioner of Fair Trading appears appropriate.

The current version of the Code depends for its interpretation on a number of critical definitions. Unfortunately they are contained in a variety of separate pieces of legislation which will make use of the Code difficult by STRA participants, particularly guests. These definitions need to be included in the Code in full so that any person reading it can fully understand his or her obligations.

REGISTRATION

The proposal is that a mandatory register of all (i.e. both “hosted” and “unhosted”) STRA premises be set up, funded and managed by the STRA industry because “the industry participants already hold much of the information needed”. “This approach would enable the industry to choose the appropriate governance structure”.

We support the introduction of a mandatory register completely – in fact, it was in our previous submission. But our advocacy of it was primarily based on safety and safety as an issue is not recognised in the current provisions relating to registration.

We do not support the proposed implementation of registration as set out in these documents for the following reasons: -

- There is no industry body currently in existence capable of taking on the responsibility and whatever existing information about STRA exists is fragmented, uncoordinated and in various forms and in many locations;
- It is not appropriate that the industry self-regulate, even to the limited extent of running the register;
- Councils currently have registers of every property in their LGA and the identity of the owners. It would be a minimal cost exercise for Councils to be given the responsibility of setting up and running the proposed STRA registers and there could be no conflicts of interest. All the registers need to do is to exist – they have no other role than as an information source for industry participants and, we believe, the public; a Council is in a much more practicable position to collect fees for the maintenance of the register;

- It would be very difficult for most industry participants other than the hosts, to find out whether there had been a breach of the byelaws of a particular multi-unit building and what would that person or the registry manager be expected to do with that information?
- The register needs to be a public register so that anybody affected by an STRA transaction, e.g. neighbours, can find out the industry participants in relation to a particular property.
- There appear to be no sanctions for failure to register STRA premises. It will not be “mandatory” without sanctions.

It is clearly envisaged that this register will be the place to monitor days let against the day-limits. Who will be responsible for reporting breaches to, presumably, the Commissioner for Fair Trading? How would the registry manager know whether any strata bylaws have been breached and what would the manager do with the information anyway? The register will apparently not contain any information about guests.

REVIEW

We support the need for a review of these measures after a period of operation but believe the period of 12 months after they commence is too short – they will take many months to come into effective operation.

RECOMMENDATIONS

Most of the recommendations – e.g. registration, strikes, exclusions, were amongst measures we recommended during the earlier consultation period in October 2017.

Specific recommendations: -

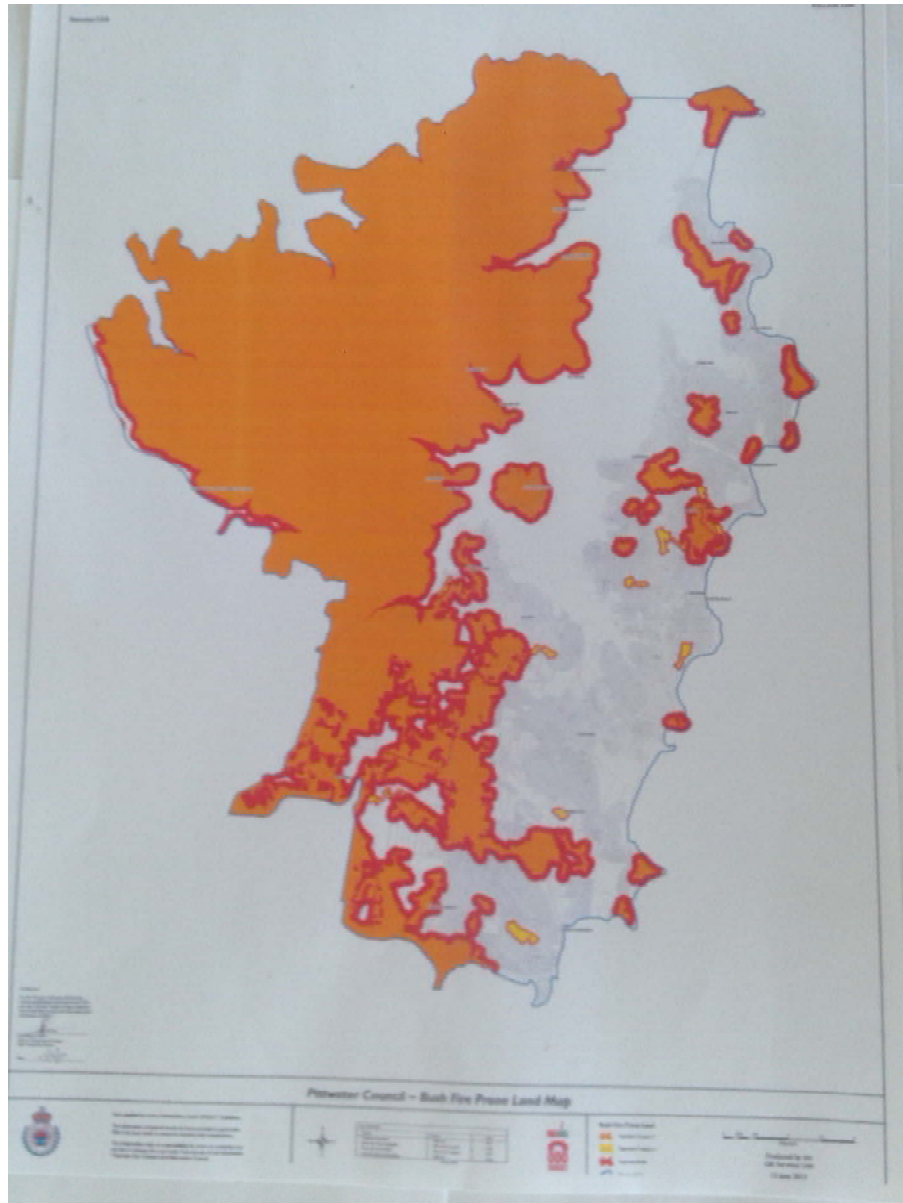
1. The safety measures for single-unit STRA premises should be the same as for long-term lets.
2. The safety measures for hosted STRA premises should be the same as for ordinary houses.
3. Safety measures for multi-story buildings should be dealt with separately.
4. The register of STRA premises should be run by local councils and should be available for public inspection.
5. The regulatory regime requires inspection mechanisms to ensure compliance and sanctions for non-compliance.
6. The exclusion of properties in bushfire prone areas is not appropriate and is not evidence-based. There has been no prior consultation on this and it will affect the interests of many property owners (including many of our members) in areas like the Northern Beaches where holiday lets are an important feature of the local economy. It will therefore also have a significant impact on local economies.

A/Prof. Richard West AM

President

8 September 2019

MAP OF BUSHFIRE PRONE AREAS IN PITTWATER



From: The Point Beach House <thepointmanyana@gmail.com>
Sent: Thursday, 5 September 2019 12:15 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Sent from my iPhone

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 12:38 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

Categories: Tessa Submissions, non Air BNB run

Submitted on Thu, 12/09/2019 - 12:37

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Rod

Last name

Smith

Name withheld

No

Info

Email

rsmith@thestratacollective.com.au

Suburb/Town & Postcode

SYDNEY

Submission

This submission is made on behalf of The Strata Collective. I am the Managing Director of this company and manage multiple large strata schemes that have been negatively impacted by short term letting.

Short term letting has been detrimental to our clients for the following reasons:

ISSUES

- The proposal to not count lettings of 21 days or more to count toward the 180-day cap of un-hosted STRA is unacceptable.
- The loss of Local Council control over planning control for short term lettings.
- Mixed use strata schemes with prohibitions on short term letting must retain those development consent conditions. There are many apartment buildings in urban areas with specific development consent conditions that prohibit short term letting (< 3 months).
- Hosts in strata buildings will not be able to ensure all required fire safety measures are met because of ignorance of the requirements and the lack of authority to rectify any deficiencies.
- The implementation of a government run register or a neutral platform (not controlled by members of the short-term letting industry) is required prior to any planning law changes.
- Hosts must register their premises, before listing for STRA. Planning law must require this to ensure unregistered premises for STRA are illegal and penalties apply.
- The Strata Management Act needs modification to allow owners to vote to accept the 180 day cap for non-resident owners or modify the cap.
- No consideration has been given to taxation of STRA. GST payment and supply of TFN should be considered.
- A register of unacceptable hosts and guests is required.
- A consumer disclosure or public database stating what percentage any strata plan is short term letting needs to be established.
- Owners Corporations should be empowered to create by-laws to set additional levies on lot owners persistently undertaking STRA.
- Illegal, unapproved sub-letting by tenants needs to be stopped.

DISCUSSION

- The risk of fire is increased by short stay tourists and visitors especially in high rise apartment buildings. Residential apartment buildings with complying development is required to ensure that the mandatory fire, BCA and safety standards are implemented.
- How will the 180-day cap be monitored across all available platforms? Cooperation between all platforms is unlikely. How will government ensure data across all platforms is captured?
- The proposal to not count lettings of 21 days or more to count toward the 180-day cap of un-hosted STRA is unacceptable.
- The loss of Local Council control over planning control for short term lettings.
- Mixed use strata schemes with prohibitions on short term letting must retain those development consent conditions. There are many apartment buildings in urban areas with specific development consent conditions that prohibit short term letting (< 3 months).
- Government must have statutory oversight of the host register and undertake regular audits.
- Platforms must have a counter to monitor and report on guest nights
- Hosts must display the unique Host ID on all listings and declare all platforms that their ads appear on, and where applicable, the strata plan number. Hosts must have adequate insurance in place, verify all required fire, BCA and safety requirements have been complied with.
- Platforms and agents need a legal obligation not to list unregistered accommodation. Platforms must share data with state and local government. All listings and other advertising must display clearly the

Host's unique ID.

- Independent third parties, such as BNB Guard, are needed to scan the market for unregistered hosts.
- The Host Register must include reporting on remaining days of occupation (caps), disclose all platforms on which the premises are listed. The Register must generate a unique Host ID.
- Local Councils must be involved in designing the system and have unimpeded access to data and monitor to ensure original development consent conditions are complied with.
- First home buyers or owner occupiers purchasing strata apartments require details of the percentage of STRA in the building they are proposing to live in. Purchasers of strata lots in buildings containing 50-70% STRA lettings would have reason to believe they have been deceived. They may think twice before buying.
- STRA causes additional maintenance and cleaning costs in common property areas in strata buildings. Owners Corporations should be empowered to resolve by-laws to recover reasonable additional costs.
- Many residential tenants sub-let their residence without seeking landlord approval when they go away on holiday. There have been numerous instances of adverse outcomes occur in these situations (eg. Bed bug infestations, removal of smoke alarms by short term guests).

RECOMMENDATIONS

- All Un-Hosted STRA is to count toward the maximum cap.
- Buildings need to be able to ban short term letting if they the owners resolve by Special Resolution to do so
- Local Councils can set a lower cap and apply zoning restrictions to meet local strategic planning objectives. A uniform state-wide approach is not workable.
- Taxation aspects of STRA must be considered.
- Compliance with all fire, BCA & safety requirements is essential.
- To protect consumers details of unacceptable hosts & guests must be available.
- Monitoring of all aspects of STRA is essential to ensure compliance
- Enabling searches by strata plan number on the register would enable prospective purchasers to determine the percentage of STRA in buildings. Apps such as "Strata Check" proposed by Minister Dominello could be utilised.
- Empower Owners Corporations to introduce cost recovery by-laws to levy STRA lots.
- Introduce landlord approval requirements as part of host listing on platforms.

I agree to the above statement

Yes

From: Therese King <slideoncruiser@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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...

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

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Thank you for reading my submission.

Regards,
Therese King
Powell Ave
Ulladulla, Nsw 2539

From: Therese Solomon <solomon.therese@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Therese Solomon
47 Sunset Strip
Manyana, Nsw 2539

From: Thomas Gordon <gordon7656@bigpond.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
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Thomas Gordon
499 Lue Rd
Milroy, Nsw 2850

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Regards,
Thomas Southwell
135 Burri Rd
Malua Bay, Nsw 2536

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 5:15 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

Submitted on Wed, 14/08/2019 - 17:15

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tiffany

Last name

Benn

Name withheld

No

Info

Email

tjb@harthomedecor.com

Suburb/Town & Postcode

200"

Submission

I am a resident of a building called Hyde Park Towers in the CBD. As the owner of a very well maintained 1 bed room unit and a small business owner who travels regularly I would like to be able to short term

let my unit whilst I am away from it. Not only would this ensure that I make extra money to fund my business and assist with cash flow it will also support other local people and small businesses in the form of cleaners and managing agents.

I see no problem at all with having short term tenants as I will be vetting them and ensuring there are no parties or undesirable characters in my home. The building is 75% rental tenants anyway so there is no real argument that the building will take on anymore wear and tear than it currently does.

Providing affordable accommodation to our towns and cities will only increase visitor numbers and bring further funds into our economy.

I understand that it could be limited to 180 days if this is not your principle place of residence but as an owner who lives in the property most of the year using my asset to bring in much needed funds when I am not in it seems like a very reasonable way to make extra money. Having properties empty across the state when there are people crying out for affordable accommodation seems like a ludicrous idea to me.

The hotel industry has been up in arms about this and that I understand. The people who book and can afford hotels most likely wouldn't book short term lets anyway and vice versa. There is room for everyone in the accommodation industry and as a city SYDNEY is nearly always booked out with all the exciting events that happen here. More accommodation than less seems like a no brainer to me whilst making local people extra income to help with cash flow and in turn further spending in our local economy.

I do hope you will allow this new legislation to go through and allow people like me to use our asset to bolster our local economies.

The key thing for people like me is that buildings that have residential only zoning can be used for short term lets which they currently cannot.

Thank you in advance
Tiffany Benn

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: Tuesday, 3 September 2019 7:22 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

Submitted on Tue, 03/09/2019 - 19:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

TIFFANY

Last name

BENN

Name withheld

No

Info

Email

tjb@harthomedecor.com

Suburb/Town & Postcode

Sydney 2000

Submission

Hi there, as an owner in Hyde Park Towers at 148 Elizabeth Street, Sydney I would like the new laws with regards to strata and short term letting to be passed asap. My strata refuses to let me as an owner short term let my apartment. As a small business owner who lives alone and travels a lot with my work it makes absolute sense to be able to short term let my apartment to responsible parties via Airbnb to not only bring extra money to help me run my own business but will also help me spend more within my

local economy. It just simply makes sense to let owners who's homes are their principle place of residence short term let. The strata committee is harassing myself and other owners within the building and constantly sending threatening letters stating that we cannot short term let our own homes otherwise they will fine us \$1100 each time we try to do it.

I am the owner of my apartment and should be allowed to supplement my income whilst I am away working.

Thanks very much in advance.

Tiffany Benn

I agree to the above statement

Yes

From: Tiina Carpenter <tiina.carpenter@icloud.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
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Thank you for reading my submission.

Regards,
Tiina Carpenter
12 Burne Ave
Dee Why, Nsw 2099

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>We do not agree with a reduction of lettable days from 365 days per year in the Tweed Shire.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>
Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p>
	<p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p>
	<p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>

Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>

Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p>
	<p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p>
	<p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
	<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
	<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
	<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
	<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>
	<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>

	<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
	<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
	<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
	<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
	<p>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?</p> <p>Not directly. They can refer to the register</p>
	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p>
	<p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p>
	<p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

From: Tim Elliott <timothyelliott1990@icloud.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Regards,
Tim Elliott
4 The Crescent
Wentworth Point, Nsw 2127

11 September 2019 - Tim Hochgrebe - Byron Bay NSW 2481

Submission in response to the 'Short-term rental Accommodation - A new regulatory framework' Discussion Paper.

At present, STRA is regulated differently (or mostly not at all) in different local government area (LGAs) across NSW.

It has to be understood that different councils also have different requirements. Small regional communities might be happy to have visitors come to their area and contribute to their economy in a responsible fashion and have no issues with buck's parties, weddings and schoolies.

However, some communities with a high influx of visitors on an ongoing basis might need a very different approach. Especially if there is already a thriving, licensed tourism accommodation industry present.

Byron Bay is a great example where it is going wrong. Just like other popular places such as Margaret River in Western Australia, Tasmania, Amsterdam, Venice, Barcelona and New York, Byron Bay struggles with a partially unlicensed tourism accommodation industry.

Byron Bay actually already offers a variety of licensed accommodation styles ranging from luxury resorts to hotels, motels, serviced apartments, backpackers and B&Bs. The licensing of those business is challenging for the proprietors. They comply with fire safety regulations, they pay commercial council rates and contribute to the infrastructure maintenance and upgrade through their licensing.

The Byron Shire Council has a DCP and LEP regulating the accommodation industry. It is clearly stated what requirements are needed, business owners go through the process and there are and should be areas where things are allowed and other things are not allowed. Nobody wants a holiday apartment block in a purely residential zone - that is not why people buy a house in a residential zone.

With the advance of ease of listing any kind of building (!! garage, sheds etc) for tourist accommodation purposes this has completely gotten out of hand in Byron Bay. Dwellings built to accommodate a family now host twice the number of people it was intended for most of the time, putting pressure on existing infrastructure such as drinking water and waste water facilities. In addition those houses do not offer adequate parking for the extra cars.

Houses are being purchased and sold with the sole purpose of letting them out as holiday letting places, which inflates the purchase prices to a level that no one can afford to just live in them.

Importantly, the rental pool is shrinking and exisiting rentable places are at a premium. Ironically, some people that do rent, sub-let their place and move in with relatives when they receive a booking.

Backpackers, who are particularly vulnerable being from overseas, have been charged \$500 per week in a shared room in a house!

The houses built with a DA for a 'residence' should be mainly used for this purpose.

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"

Neighbours of those residences used for unlicensed holiday accommodation - who thought they had moved into a home in a residential street - suffer from sleep deprivation and stress as there is generally no host on-site. Council can't do anything as it is a residential house not a business, police might not always be able to deal with the noise issues long term. All they can do is visit and ask the visitors to turn it down. However, the next day with new people staying, the neighbours have to go through the whole process again. Hearing the people arrive, music starts but it is still early and then wait until it is past 10 pm.....

Byron Bay tried self-regulation by the Holiday Letting Organisation (HLO) who funded a Holiday Letting hotline. The idea was that a host would get three strikes and they could no longer operate. It doesn't work. The hotline recommends anybody who complains in the middle of the night to call council and report. Council, the next day, says to call the hotline or the police. The police has better things to do as their hands are tied anyway: every time it is a different person causing the noise, so no one can be held responsible. Neighbours give up and sometimes try to confront the perpetrators, resulting often in verbal abuse and revenge vomiting, vandalism and littering by the tourists who feel entitled to have the time of their life. The next week those poor people seize up when they hear the roller bags coming down the drive way next door.

The proposed Code of Conduct for STRA sounds admirable, but to have an exclusion list for hosts and guests is not realistic.

As owners of licensed accommodation, we have seen a significant decline in viability of our business. Before we even open our doors we have a long list of costs to keep our license current and up to date. Unlicensed premises are able to charge a much lower fee without having all those costs and there is no GST they need to pay despite offering exactly the same service we do.

Surely, the government is missing out on an enormous amount of GST they can't collect.

The number of people staying has not increased, instead people expect to pay less. Our prices are back at what they were 15 years ago! We can't afford staff anymore, we had to let them go.

Many of our colleagues have left the industry, their business being considered worthless. Why get a DA if you will be restricted by the number of people that can stay, have to provide off road car parking, disabled access and pay extra to top it off?

As the unlicensed operators do not pay any contributions, do not have to pay for fire inspections once a year or increased council rates it is impossible to compete with the low prices these rogue operators can charge.

AirBnB uses the 'average' of incomes to show how little money is made by individuals, but they have not published the median or spread of money made. If one person can have 30 odd places and uses so-called 'super hosts' to manage them, you can't tell me that there is no money to be made.

Of the many, many listings in the Byron Shire there are 1331 listings for whole houses/apartment with only 359 landlords, which means that those hosts are not just your regular mum and dad trying to make an extra buck they are full blown commercial operators.

To suggest that these operators can operate 365 days a year is a ridiculous proposal. The hosts/landlords know it is worth their while, why don't they go through the process of obtaining a license. They had their go at seeing if it works for them financially. They could even do a business plan!

Even if Byron Bay would get a 90 day limit it would be not workable for our community. This would still be 45 weekends. This would still be the whole month of January and then 2 more months.

And what does it mean 90 days? Can the property be available for 90 days in total or does it mean 90 nights booked? What if there is a cancellation of 4 days, can that place be re-booked for another 4 days at another time? Can they keep the cancellation fee? How will this be monitored? What about direct bookings? How would this work? How can you expect the on-line booking platforms to keep track on this and be honest about it if they make a 20% commission on each booking.

This does not provide any clarity at all!

It is understandable though as politicians - for example the Deputy Premier - have their own property listed as a holiday home as well.

The proposed framework states that un-hosted bookings of 21 or more consecutive days will not have to comply with the applicable day thresholds.

If a family comes for a 3 week holiday and rents a house, the owner can do two lots over summer and still have 90 days for the rest of the year?

This certainly offers a loophole. Someone can just rent out their property to someone else for 6 months and they can sub-let it on an overnight basis. How is this going to be policed?

The fact that unlicensed tourism accommodation is put under the banner short-term rental is terribly confusing.

The overall proposal seems to have the attitude of "It is all too hard to police, so we are just going to allow it and pretend there is a system in place". Meanwhile, our town is being taken over and no locals will be left. No staff available for restaurants, schools, the hospital, etc because they can't afford to live here.

It is a fact that a regulated industry is being de-regulated, all for the short-term benefit of realistically only a few and the on-line booking agents. This is no longer about home sharing or someone letting out their holiday home on a few occasions a year.

SUMMARY

- The proposal is that a regulated industry has been de-regulated and needs to be re-regulated, but is ridiculously unfair compared to the existing licensed businesses in that same industry
- Unlicensed tourist accommodation providers are not paying GST even though some of them supply overnight accommodation, breakfast, room service just like hotels, motels and B&Bs. They are not paying commercial rates and are not subject to Council inspections for fire safety and compliance
- The proposed Code of Conduct is not a realistic approach. It can not be policed and implemented. The process to bring awareness to hosts and guests about their unruly behaviour and solve the problem of loss of amenity to the neighbours that way is flawed thinking.

- Owners of a property responsible to the noise/interruption to daily life of their neighbours should be held responsible by law when rented out to tourist or visitors. That way there is clarity for the authorities, neighbours, hosts and visitors.
- If people/hosts want to rent out their homes/properties on a commercial basis to tourists or visitors, ie more than twice, thrice a year, they need a DA and contribute to the community as has been decided on by the local council. If local councils feel there is no need for a DA than let them do that!
- Our town of Byron Bay and surrounds and our business are severely negatively impacted by unlicensed operators. A maximum 90 night limit should apply to Byron Bay's unlicensed tourism accommodation, but 60 days (or less!) would be much more preferable.
- We are not confident that the proposed reforms are realistic.

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 1:56 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

Submitted on Wed, 11/09/2019 - 13:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tim

Last name

Hochgrebe

Name withheld

No

Info

Email

tim@planula.com.au

Suburb/Town & Postcode

Byron Bay, NSW

Submission file

[stra-submission.rtf](#)

Submission

11 September 2019 - Tim Hochgrebe - Byron Bay NSW 2481

Submission in response to the 'Short-term rental Accommodation - A new regulatory framework' Discussion Paper.

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- We are not confident that the proposed reforms are realistic.

I agree to the above statement

Yes

From: Tim Hunt <tim101271@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 provides a quality apartment in a snow resort and the local economy relies on dwellings such as mine for its lifeblood.

Airbnb provides a safe and easy way to provide my community with the visitors it needs.

The Airbnb host community also 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.

Regards,
Tim Hunt
Bobuck Ln
Thredbo, Nsw 2625

Date: 04/09/19

Dear Mr Phillip Donato,

As a local Airbnb host I wanted to provide my feedback on the Government's proposed regulations. I rely on hosting as an economic lifeline to help ease the financial pressures of paying the mortgage and bills. Apart from supporting my young family, I also recommend my favourite cafes, restaurants cellar doors and shops so small businesses in town 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:

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Thank you for reading my submission.

Sincerely,

Tim Mortimer

Founder/Managing Director

BNB Made Easy

BNB Made Easy
"More than just a place to stay"
www.bnbmadeeasy.com.au
M: 0439680795

From: Tim Mortimer <t.mortimer@bth.catholic.edu.au>
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,

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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".

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Regards,
Tim Mortimer
42 Rosemary Ln
Orange, Nsw 2800

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Categories: Rob submission, Air BNB run

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I host on Airbnb because I am struggling to pay rent in this day and age with my young family and ever increasing cost of living. I've seen the opportunity to homeshare and make some extra money to ease some financial stress. Orange needs Airbnb for tourism, health, construction and mining and if these proposed changes were to be put into place it would play a massive domino effect on our town with not enough accommodation culling tourism in the region affecting all local business.

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 cellar doors and shops so small businesses get a massive boost from local tourism here in Orange.

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To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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
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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.

Regards,
Timothy Duddy
Rossmar Park Rd
Carroona, Nsw 2343

From: Timothy Rich <timothy-rich@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Timothy Rich
16 Parklands Ave
Port Macquarie, Nsw 2444

From: Timothy Say <timothysay@bigpond.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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I host on Airbnb to supplement my retirement income.

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Thank you for reading my submission.

Regards,
Timothy Say
149A Moss Vale Rd
Kangaroo Valley, Nsw 2577

From: Tina Suvajac-Lees <lees.mediation@mac.com>
Sent: Thursday, 5 September 2019 3:24 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

There are no hotels in Mosman or out of the city. The cost of the city hotels are prohibitive for families coming from abroad and also families relocating back to Australia.

Kind regards

Tina Lees
Mosman

From: Tina Pierce <tinapierce@bigpond.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Tina Pierce
6 Commercial Rd
Alstonville, Nsw 2477

From: Arj <nirmalananda@optusnet.com.au>
Sent: Friday, 6 September 2019 8:41 PM
To: DPE PS STHL Mailbox
Subject: Regulatory changes to home shAring

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 and that all parties, specifically Platforms and Guests should be held to account for their actions and that the burden should not just be overwhelmingly borne by Letting agents and property owners as is the current proposal.

Please find attached my Submission,

Kind regards,

Tina Psarianos

5 coledale Ave

Coledale 2515, nsw

Sent from my iPhone

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 4:04 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

Categories: Purple category

Submitted on Thu, 15/08/2019 - 16:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tina

Last name

Tong

Name withheld

No

Info

Email

itongyun@gmail.com

Suburb/Town & Postcode

2127

Submission

Hi, my name is Tina, I am a resident and a committee member in Sydney Olympic Park. I would like to take this opportunity to raise a few points. 1. Registration fee should be in place, the Airbnb owner should pay a bond with the department. 2. Each Airbnb units should also need to register with each building's strata and building management to help to monitor the activities. 3. The department of planning also should engage local police for illegal activities or noise complaint more seriously. 4. Each unit should not be rented more than X amount of days per year. 5. The unit must be managed by the owner themselves as the owner should be showing the renter how to use the building's facilities. 5. Strata should have the power to fine responsible units for common property damages.

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: Tobias Cunningham <tobiasjamescunningham@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Tobias Cunningham
117D MacLeay St
Potts Point, Nsw 2011

From: Toby Zappia <tobyzap@bigpond.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 we love to share what we have to offer in friendship and community spirit.

The Airbnb host community depends on hosting as an economic lifeline. 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 our guests to enjoy a home stay which provides friendship and comfort far superior to a common motel.

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Regards,
Toby Zappia
80 Parrabel St
Bega, Nsw 2550

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 5:47 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

Categories: Rob submission, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 17:46

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tom and Michele

Last name

Clark

Name withheld

No

Info

Email

tmclark15@bigpond.com

Suburb/Town & Postcode

South Golden Beach 2483

Submission

We are strongly opposed to the State Government proposed legislation to allow letting periods. Letting periods should be determined by the local government of any area within NSW - NOT the State

Government. Each local government area may have specific reasons for choosing letting periods to suit the needs and that local area. More importantly the residents of the local government area should determine what letting periods are appropriate. This should NOT be a State determination but a local government decision.

In addition, the following points support our objection:

1. 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.

2. 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.

3. 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.

4. 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!

5. 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.

6. 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.

7. 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.

In summary the State Government should NOT be involved in policy legislation related to letting periods. Such determinations should be made by each respective local government authority as they so determine appropriate for their local government area.

I agree to the above statement

Yes

From: Tom Campbell <tcampbell@ricegroup.com.au>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Tom Campbell
3 Thomas St
West Tamworth, Nsw 2340

From: Tom Eckersley <eckobellbb@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 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 we have the space that is not used very often for family/visitors and the income generated from paying guests supplements our other income and lessens our dependency on future aged pension payments.

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.

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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.

Regards,
Tom Eckersley
9 Keelendi Rd
Bellbird Heights, Nsw 2325



Restaurant
& Catering

Short-term rental accommodation regulatory framework

R&CA Submission

September 2019

RESTAURANT & CATERING AUSTRALIA

Restaurant & Catering Australia is the national industry association representing the interests of more than 47,000 restaurants, cafés and catering businesses across Australia. R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment.

R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability and sustainability. This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the restaurant experience to the public.

Cover images courtesy of Tourism Australia:

Top (left corner): Aqua Dining Restaurant, Milsons Point, Sydney, Anson Smart.

Top (right corner): Hutchings Camps Pty Ltd, Paperbark Camp, Jervis Bay, NSW.

Middle (centre): Pretty Beach House, Bouddi Peninsula, NSW, Anson Smart.

Middle (top): Cruise Bar, The Rocks, Sydney, NSW, Anson Smart.

Middle (bottom): Tourism Australia, Hunter Valley, SDP Media.

Bottom (right corner): Tourism Australia, Balmoral Beach, Sydney, NSW, Ellenor Argyropou.

Bottom (left corner): Tourism Australia, Byron Beach Café, Byron Bay, NSW, Hugh Stewart.



Restaurant
& Catering

INTRODUCTION

R&CA appreciates the opportunity to provide comment on the New South Wales (NSW) Government's proposed Short-term rental accommodation (STRA) regulatory framework. R&CA notes the following matters are currently open for public consultation as part of a joint consultation by the Department of Customer Service and the Department of Planning:

- A Draft Code of Conduct for the Short-term Rental Accommodation Industry (the Code);
- The Draft Fair Trading Amendment ('Code of Conduct for Short-Term Rental Accommodation Industry') Regulation 2019 (the Amendment Regulation) that will support the Code's implementation; and
- Various draft planning instruments, which will allow residential premises to be used for STRA under certain conditions and provide a state-wide definition of STRA

R&CA welcomes the work completed by the NSW Government to date in investigating opportunities to pursue regulatory options for the STRA industry. As the only national industry association acting on behalf of over almost 17,000 cafés and restaurants in NSW, R&CA supports the continued operation of the STRA industry, and the subsequent economic and employment benefits derived by hospitality businesses.

R&CA believes that the regulatory framework governing NSW's STRA industry should not impede the growth of the State's tourism sector by restricting or limiting visitors' choice of accommodation options. In R&CA's view, the continued growth in the tourism sector can only be sustained with an adequate accommodation supply, particularly during periods of peak demand such as New Year's Eve. The NSW Visitor Economy Taskforce's has continually reported that a lack of adequate accommodation supply is one of the biggest inhibitors to growth in the visitor economy.

It is for these reasons R&CA strongly supports the growth of the STRA providers and the potential to meet areas of accommodation undersupply currently hampering the vitality of NSW's tourism sector.

R&CA believes that the STRA industry has a significant role to play in meeting tourist demand for accommodation options which are both affordable and in proximity to key amenities such as cafés and restaurants. This is of course contingent on the NSW Government providing the STRA industry with both regulatory clarity and certainty as part of this Review. R&CA believes that the NSW Government's ultimate framework concerning the STRA industry should not involve intrusive

regulatory intervention and instead be focussed on greater industry self-regulation, including a comprehensive, industry-wide code of conduct. R&CA argues that the approach taken by NSW Government should not overly burden the STRA industry through a complicated registration or licensing system, however there should be distinct mechanisms for addressing anti-social behaviour or breaches of the Code of Conduct.

In R&CA's view, there is a strong need for the NSW Government to work both collaboratively and cooperatively alongside STRA providers to ensure optimal outcomes for both the tourists using various STRA platforms and the individuals choosing to let their vacant residences in a safe and responsible way. The ultimate regulatory approach adopted from this Review should seek to address any occurrence of anti-social behaviours whilst preserving the range of accommodation options available for tourists. In this way, the strong economic and employment benefits for hospitality businesses resulting from growth in the State's tourism sector can be further enhanced and meet the NSW Government's goal to double overnight visitor expenditure by 2020.

POLICY RECOMMENDATIONS

R&CA's policy recommendations relating to the review of the regulatory framework governing the STRA industry in NSW can be summarised as follows:

- R&CA continues to support a 'light touch' regulatory approach and does not believe that substantial intervention is necessary on behalf of the NSW Government in the regulation of the STRA industry;
- R&CA would caution against the NSW Government placing overly onerous requirements on home-sharers such as new complex regulatory requirements or a registration or licensing scheme so that new and existing users are not discouraged from participating in the STRA industry; and
- R&CA are not supportive of proposals that would force STRA owners to commit to significant repairs or upgrades in order to meet new compliance obligations, as we believe it will discourage new STRA market entrants due to high barriers to entry. This will mean less available properties and less positive flow on effects to our industry, especially in regional areas.

BENEFITS OF STRA FOR CAFÉ AND RESTAURANT SECTOR

The increasing popularity of STRA, combined with strong growth in visitation from domestic and international tourists, has directly benefitted the café and restaurant sector in NSW. In Sydney alone, it was estimated that in 2016, Airbnb generated \$115 million in expenditure for the city's restaurant industry, a figure which grew by \$45 million from 2015. The overall expenditure for Australia's food services sector from Airbnb hosts was estimated at \$554.1 million in 2015-16, representing 27 per cent of the total (the most out of any listed subcategory). The benefits of the STRA for the state's café and restaurant industry manifest themselves in variety of ways which are outlined below.

Figure 1: Tourism Expenditure of Airbnb Guests in Australia, 2015-16

<i>Category</i>	<i>Total Expenditure (\$m)</i>	<i>Share of Expenditure</i>
<i>Accommodation</i>	\$441.6	22%
<i>Food Services (e.g. restaurants)</i>	\$554.1	27%
<i>Groceries</i>	\$185.6	9%
<i>Shopping</i>	\$353.8	17%
<i>Other leisure</i>	\$245.8	12%
<i>Transportation</i>	\$216.7	11%
<i>Other services</i>	\$43.7	2%
<i>Total</i>	\$2,041.3	100%

Table reproduced from Deloitte Access Economics (2017) *Economic effects of Airbnb in Australia New South Wales*

INCREASED PATRONAGE

The increased patronage and foot traffic enabled by the STRA industry also significantly benefits café and restaurant businesses which are located outside of more densely populated areas popular with tourists. Various STRA platforms provide holiday-makers with the ability to stay in and explore areas which do not attract the same type of foot traffic as other traditional tourist hotspots. According to a Deloitte Access Economic Report published in 2017, three-quarters of Airbnb properties in major global markets are located outside traditional tourist areas. The flow-on economic effects to the hospitality industry are dispersed across a wider range of businesses in a variety of different locations which would not have otherwise benefitted. The letting of vacant properties also generates additional income for STRA hosts who may also patronise local cafés and restaurants more regularly as a result. In this way, the economic profile of these businesses and local communities are strengthened due to the increased patronage associated with the STRA industry.

JOB CREATION

In addition to the direct economic benefits of the STRA industry for the state's café and restaurant sector are the flow-on effects on employment and job creation. Already, the café, restaurant and catering sector is expected to generate 31,000 new positions in NSW by May 2022. Expressed in percentage terms, this represents 19.2 per cent growth. At present, the sector employs 132,000 people throughout the state, representing a large majority of jobs within the food and beverage services industry sector. It is estimated that Airbnb guests have supported 4,452 full time equivalent (FTE) jobs, many of which would be directly within the hospitality sector such as café and restaurant businesses.

UNIQUE PROMOTIONAL AND MARKETING OPPORTUNITIES

Various platforms enabling STRA often directly and indirectly promote local café and restaurant businesses to holidaymakers, in addition to allowing them to make accommodation bookings. These platforms provide businesses with a unique form of marketing and promotional opportunities to enhance their appeal to a specific set of clientele. The interactions between guests and hosts throughout the STRA experience helps to facilitate information about different dining options in local neighbourhoods, which can in turn, strengthen the reputation of these businesses. For instance, Airbnb Survey data shows that 98 per cent of hosts suggest local restaurants, cafes, bars and shops in their neighbourhoods. The highly personalised recommendations provided from STRA hosts can be tailored to the individual tastes and preferences of holiday-makers which not only serve to enhance the local experiences of tourists but also maximises expenditure and increases the likelihood of holiday-makers returning to these local businesses in the future.

TOURISM GROWTH IN REGIONAL AREAS

The STRA industry also makes a significant economic contribution to tourism in regional areas, supporting the viability of café and restaurant businesses by helping to attract increased visitation amongst domestic and international tourists. A global survey published by Airbnb in 2017 showed that Australia was the only major country in the world where there were more regional Airbnb stays than in city areas. Overall, regional Airbnb stays accounted for 56 per cent, or 1.7 million guest - arrivals in 2016. Outside the greater Sydney region, it is estimated that Airbnb's economic contribution to regional economies is \$135.5 million, with Airbnb guests in NSW spending \$213.2 million during regional-based stays.

REGULATORY APPROACH

From R&CA's perspective, ensuring the proposed framework is fit for purpose is critical to ensure the ongoing growth of NSW's international and domestic tourism sector. Most importantly, R&CA stresses the need for regulatory certainty surrounding the STRA industry in NSW and welcomes the scope provided in this Review to do so. As part of this objective, R&CA believes that there several options to create a dynamic which best serves the interests of both the tourism and accommodation industry as well as the individuals themselves who engage with the STRA industry.

'LIGHT-TOUCH' APPROACH

R&CA does not believe that substantial intervention is necessary on behalf of the NSW Government in the regulation of the STRA industry. In this respect, a 'light touch' approach towards the STRA industry could be adopted in pursuing a whole-of-government regulatory framework. R&CA argues that the most effective way to achieve a mutually beneficial system of regulation is through greater self-regulation and involvement from providers in the STRA industry. R&CA would also stress that the ultimate policy framework required for STRA should be achieved in close collaboration with these major providers to ensure that growth in the State's tourism industry is not only maintained but also enhanced.

INDUSTRY CODE OF CONDUCT

R&CA also argues that that the proposed industry-wide code of conduct is ultimately fit for purpose and should be supported as it is comprehensive in nature and has been developed in close collaboration with the major STRA providers and industry. The code of conduct would then act as a blueprint to guide and inform a best-practice approach to STRA industry standards as well as provide clarity on issues of contention such as complaints management. R&CA would seek to ensure that the content and guidelines to different issues included as part of the code of conduct should be both fair and reasonable. R&CA believes that making this Code of Conduct both visible and easy to read would ultimately be of significant benefit for both STRA hosts, users and the industry as a whole.

REGISTRATION

R&CA would strongly caution against the NSW Government placing overly onerous requirements on STRA participants in terms of a wide-reaching registration scheme. R&CA believes that pursuing a

industry wide registration scheme for the STRA industry would act as an obvious and significant impediment to an effective STRA market in NSW. Also, such a registrations scheme, if implemented, would make NSW one of the most strictly and onerously regulated STRA markets in the world. The effect of such as scheme would be a less effective and less successful STRA market, to the detriment of NSW's Tourism and Hospitality Industries.

Government mandated registration may cause confusion for existing users and discourage new entrants from also sharing their homes. By creating additional layers of difficulty or complexity to the current STRA system, this would potentially have the unintended consequence of restricting the number of accommodation options available to NSW visitors.

R&CA is not opposed to a registration system as a policy suggestion but believes that a lower cost, technology driven alternative could be proposed by government without increased compliance on the part of home sharers. For example, a simple digital connection between the NSW Government and STRA providers would provide a real time, night by night register of STRA stock. This solution would be far preferable to a new registration scheme, the compliance cost of which would most certainly be borne by individual home sharers.

BAD BEHAVIOURS

R&CA is cognisant of the potential for undesirable or unpleasant behavioural activities to arise from certain individuals engaging in the STRA industry. In this respect, R&CA supports the ability of the NSW Government to put in place carefully-designed measures which specifically target and seek to address anti-social behaviours. However, R&CA stresses that such regulations should not place restrictions on the ability of people to let their residences in a way which is both respectful and responsible. R&CA believes that any such restrictions could potentially lead to travel becoming more expensive and more inconvenient for tourists, which would ultimately have negative effects for the state's economy as well as the hospitality industry.

PLANNING INSTRUMENTS

R&CA's views on proposed draft planning instruments around the STRA industry have been guided by the policy frameworks already present in other Australian jurisdictions such as South Australia and Tasmania. Under these systems, there are no caps placed on the number of nights in which a primary place of residence is available to be let. R&CA continues to implore the NSW Government to

adopt a similar policy position aimed at avoiding capping of the overall number of nights. Such a system would not only ensure cross-jurisdictional consistency regarding the STRA system but would also ensure that the economic flow-on effects to local communities and hospitality businesses are maintained. R&CA however does support the proposed change to exclude stays of 21 days or longer from contributing to the 180 day threshold.

R&CA has serious and strong concerns relating to the proposed fire safety standard. R&CA believes the proposed standard introduces an impossibly high compliance barrier for those wishing to rent their property via STRA. Whilst R&CA is supportive of measures which adequately protect tourists while staying at an STRA property, we believe the suite of required upgrades to STRA property require an almost commercial level of compliance with fire safety standards without a clear explanation as to how STRA can so drastically increase the risk to fire safety over and above routine residential living.

Examples of this include proposals to install self-closing and fire-sealing doors, installation of evacuation lights, the installation of smoke alarms in most areas of a STRA property and for these alarms to be mains powered rather than battery operated, which is the requirement for most residential properties.

The case for this significant increase in fire safety compliance has not been adequately made. To raise the level of compliance to Fire Safety Standards in STRA to the level of commercial accommodation providers is not in keeping with the established risk profile of STRA properties and puts STRA out of step with established tenancy legislation and residential standards more generally.

If implemented the proposal would mean two apartments in a residential complex, both two bedrooms hosting no more than four people would have drastically different fire safety standards despite no obvious difference in risk profile.

R&CA submits that this is new an unexpected policy proposal that can significant impact the entire STRA industry. R&CA would strongly urge the NSW Government to continue to consult closely with industry and STRA providers on the fire safety standard.

STRATA REGULATION

Whilst R&CA would support mechanisms such as strata regulation as a means of targeting anti-social behaviour amongst STRA occupants, R&CA does not believe that strata should be able to pass bylaws

banning STRA entirely. The ability for home-owners to make their own decisions regarding their participation in the STRA industry is already permitted under the current laws governing strata buildings and R&CA believes that the Review should resolve to maintain the status quo. R&CA argues that one of the key principles guiding this Review process should be the ability for owners to decide who should be permitted to stay in their homes and therefore believes that strata communities should not be able to override this ability. At the same time, however, R&CA does believe that there is scope for strata regulation to act as a mechanism to prevent instances of anti-social behaviour associated with STRA.

CONCLUSION

The STRA industry makes a vastly significant economic contribution to the tourism and hospitality sectors in NSW, strengthening the viability and reputational pull of local businesses such as cafés and restaurants. The nature of the STRA industry brings increased foot traffic, visibility and most importantly patronage for hospitality business located outside of traditional tourist hot-spots. In this way, the STRA industry assists in dispersing the economic benefits of tourism to businesses which may not have otherwise received them. The increased patronage of these businesses resulting from the STRA industry also leads to job creation in industries such as hospitality which are the biggest beneficiaries of the flow-on effects from tourism.

As outlined in this submission, R&CA believes that the NSW Government should pursue a sensible policy framework which encourages further growth in the STRA industry. At the same time, R&CA cautions the NSW Government against adopting additional regulations which limit the availability of certain accommodation options impeding the growth of the domestic and international tourism sector in NSW. R&CA argues that minimal intervention on behalf of the NSW Government is needed and that greater self-regulation as part of a 'light-touch' approach towards the STRA industry could be used to achieve optimal outcomes for tourists and individuals choosing to sublet their residences in a safe and responsible way. In doing so, the NSW Government should collaborate as closely as possible with major stakeholders in the STRA industry to ensure that the vast array of economic and employment benefits of tourism are enhanced.

RESTAURANT & CATERING AUSTRALIA

PO Box 121
SURRY HILLS NSW 2010

T | 1300 722 878

F | 1300 722 396

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 5:08 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

Submitted on Wed, 14/08/2019 - 17:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tom

Last name

Johnson

Name withheld

No

Info

Email

tom@netwizarddesign.com.au

Suburb/Town & Postcode

2250

Submission

Airbnb injects millions into the economy with the added tourism to NSW. 365 nights per year short term accommodation.

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 5:20 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

Categories: Tessa Submissions, recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 17:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tom

Last name

Mitchell

Name withheld

No

Info

Email

woopwoop3725@gmail.com

Suburb/Town & Postcode

Surry Hills 2010

Submission

I support short term rental (airbnb) as a form of benefit to both owner and guest to our city

Owners should have this form of rental as a choice and overall , not allow the fear of others control a right to welcome visitors to this great city

I say.

Stop trying to control what the current law already provides for in direction relating to acceptable behaviour in society

The lock out laws and meter parking as two other perfect examples of governance over stepping its responsibility to provide safe havens for Sydney CBD visitors

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 9:59 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 09:59

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tom

Last name

Sanders

Name withheld

No

Info

Email

cotu@inboxbear.com

Suburb/Town & Postcode

Camperdown 2050

Submission

Stringent new regulations are completely unnecessary. I do not Airbnb my property, but I often stay in homes that have been Airbnb'd. Part of the attraction is to stay in a home - somewhere genuine, with personal effects, and the sense of individuality. I do not want to stay in some mass-produced, identikit environment where everything is sanitised and over-protected. These homes are perfectly fine as they are, and just because they are being rented out, there is no need to make them follow the same standards as hotels that are designed for hundreds of people. This is classic nanny-state overreach, coupled with no doubt vested interest of hotel owners who are rightly worried about Airbnb's threat to their business.

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 11:59 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 23:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Toni

Last name

Carroll

Name withheld

No

Info

Email

tonicarroll74@hotmail.com

Suburb/Town & Postcode

2535

Submission

We are owners of a rural property on the outskirts of Berry NSW. Our 5 bedroom, 3 bathroom house sits on 20 acres of land.

I wish to have my concerns noted specifically in respect of the proposal to require that each bedroom in such accommodation can only sleep 2 people or a maximum of 12 per dwelling whatever is the lesser.

Limiting each bedroom to 2 people only without any reference to the standards of accommodation, size of rooms, supporting infrastructure (e.g. living areas and bathrooms etc) is not fair or reasonable.

Our property is an example of a luxury holiday accommodation property that currently does take 12 people with a maximum of 10 adults. We have configured the house so that it is possible for families to reunite and as such one of the bedrooms (large in size) accommodates 2 bunk beds designed for children.

As mentioned, the house is serviced by 3 bathrooms and 3 large living rooms. Each providing ample space and facilities for the guest limits provided (ie 12 people, maximum 10 adults).

I trust that you can see from this illustration that it is reasonable and acceptable to configure holiday accommodation in this way. And that the proposed changes to regulations would put undue restrictions on properties like ours.

We would request that you closely review this area of the regulations to ensure that it does not discriminate against properties like ours which are appropriately appointed to accommodate the numbers we do today.

I agree to the above statement

Yes

From: Toni Collins <desinetonics@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 of the scarcity of jobs in the area, it helps me to stay in my own home, Airbnb is efficient & has great customer service and this is the best job I've ever had in ByronBay. I also pay locals to help me as the need arises, refer my guests to local businesses and look after my neighbours by having strict house rules, a high bond and Being very fussy about the attitude of my guests & adherence to house rules

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills.

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.

Regards,
Toni Collins
47 Shirley Ln
Byron Bay, NSW 2481

From: Tonia Krebs <tonia@toniakrebs.com>
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,

Thank you for reading my submission.

I host on Airbnb because it provides my family with the ability to recoup some costs from our huge investment. As we are self employed, we don't have much superannuation. Our Airbnb house will become our super, when the time's right.

As a Professional Property Manager I understand there can be issues surrounding short term rentals but also know that in my AirBnB area we have generally very few problems.

As a Property Professional I agree with the need for high standards in terms of safety, security and neighbourhood concerns. At the moment, each guest decides if they accept the safety and security of any property they choose to rent.

If you make Airbnb owners jump through huge compliance hoops there will be a massive hole in the local economy of many small towns and villages which rely on tourist trade. We will lose precious income and no longer be in a position to maintain our investment, which of course then has other flow on effects for us personally as well as for our local community.

While I can see the need for regulations, I think the current proposals are totally off the mark and have been created from a place of reaction rather than pro-action. The whole point of short term accommodation is that it's simple and easy for both hosts and guests. It's what the industry thrives on and if you change that, you will kill our (small, hardly big business - industry.)

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

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end up making holidays across NSW more expensive.

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Government streamlining safety regulations which:

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- 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.

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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.

Regards,
Tonia Krebs
Moss Vale
Moss Vale, Nsw 2577

From: Tony Barlow <judybarlow86@msn.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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
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Thank you for reading my submission.

Regards,
Tony Barlow
448 Warren Rd
Narromine, Nsw 2821

Wyndel Apartments

Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 (Bill) Submissions

In this submission Wyndel makes comment on the proposed regulation and in particular raises its concerns with how the proposed regulation will impact the availability of apartment accommodation for the people seeking a Temporary Residence.

Wyndel and specialist accommodation providers such as Astra Apartments provide apartment accommodation for Temporary Residence to a range of people including carers, people on medical treatment plans, secondees, project teams, people relocating and others who are required a Temporary Residence for a variety of reasons.

This form of business although niche, involves servicing the significant needs of people seeking temporary accommodation but does not include holiday makers, and is very different from the problem causing short-term rental arrangements (STRA) the subject of the Bill.

Wyndel has concerns with the likely, but presumably inadvertent impact of the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 in its present form, to have an adverse impact on the supply of suitable residential apartments to service the needs of people seeking short term rental accommodation for Temporary Residence, it being a discrete and distinct difference to the STRA of present concern to Government.

It should be noted that Wyndel, has no issue with the general intent of dealing with problems experienced in many areas from “party house” problems often alleged to arise in respect of operations like AirB&B.

However, the current draft Bill, absent of appropriate exemption for housing supplied for Temporary Residence being put in place, will have potential adversely to affect the niche but important segment of the short term apartment accommodation market serviced by Wyndel and others.

Background and Understanding

The proposed Act, by not having a minimum night stay will by making a stay as little as one night legal, it is submitted, actually have the reverse effect to that intended and increase the number of very short-term stays (under 7 days) and “party houses” taking place resulting in an increase number of resident noise and behavioural complaints.

The equivalent Victorian legislation avoids this problem by applying a seven-day / 6 night threshold to the operation of its provisions.

With the exception of some unit blocks with high percentage of investor owners in holiday precincts, from Wyndel’s anecdotal evidence there will be very few unit holders that will accept very short term stays (VSTS) within their apartment blocks.

The opposition to VSTS by unit holders combined with the increase disturbance to residents from the very short term stays, particularly of the ‘party house’ style, will most

likely result in the introduction of the envisaged by-law to prevent all STRA in most apartment blocks, whilst creating quasi hotels in others, further compounding the issues from short term letting. It is believed by Wyndel that without a minimum night stay most strata managers will encourage adoption of such a bylaw resulting in the exclusion of STRA in most buildings other than holiday precincts.

Many owners presently have granted 1 and 2 year leases of their premises to STRA providers. In the event of the introduction of the legislation in its present form and the adoption of the exclusionary bylaw, parties to that type of lease will be inadvertently be put in a position of breach of their lease as well as putting the managing tenant in a position of having a lease obligation with no ability to make use of the lease where the relevant accommodation falls within the very broad proscribed STRA definition. At worst, those people need transitional protection pending the expiration of lease that is presently on foot.

Wyndel submits that the current form of the Bill and lack of adequate exemption will create substantial disadvantage to the not insignificant number of people who have a need for temporary residential accommodation not strictly of the type needing to be controlled in the manner envisaged by the Bill.

Needs and Nature of Temporary Residence Market Prejudiced by current Draft

The policy presently reflected in the draft seems inadvertently fail to recognise a small and discrete segment of the short term residential market whose needs are real and valid.

That is the Temporary Residence segment.

The proposed regulation has the consequence of excluding a group of people who seek STRA for Temporary Residence.

This group consists of people properly seeking Temporary Residence for usually periods of several weeks or more with often no predetermined exit date.

They include:-

- people displaced from their home due to divorce, domestic violence (usually women and children),
- owners having to find alternative accommodation during construction activity at their primary residence;
- people whose accommodation is destroyed or damaged due to fire and storm;
- people waiting to move into permanent residence;
- workers on secondment;
- people relocating and in transition between homes;
- elderly waiting for access to retirement residence and villages;
- carers;
- interstate and regional people (and often family members) accessing city health services for long term treatment.

Although this group of people in numbers may be small compared to the total group of short term accommodation seekers, their needs are important, discrete, different to the

STRA examples of concern to Parliament, and cannot simply be dismissed, as they would have great difficulty finding alternative suitable accommodation other than much more expensive and often inappropriate hotel or motel or typical serviced apartment accommodation.

Hotel and typical serviced apartment accommodation is often limited in geographical location, smaller in size, lacks a residential “homey” flavour or environment type setting sought by people seeking Temporary Residences. They are more expensive and are burdened by holiday and seasonal loading charges making it unaffordable as an option for people seeking accommodation for Temporary Residence.

The proposed regulation will not only greatly limit the accommodation opportunities for those seeking accommodation for valid Temporary Residence reasons but will also put out of business small companies that professionally provide service for this market.

Suggested Changes To Regulation – Summary

Following, Wyndel summarises suggestions for recognising and servicing the valid needs of the Temporary Residence segment, and for the STRA regulation in general : –

- To prescribe an exemption for housing provided for “Temporary Residential Accommodation” not to be “short-term rental accommodation arrangement”.

Definition of “Temporary Residential Accommodation”, housing provided for “Temporary Residence” to the following group of people:

- people displaced from their home due to divorce, domestic violence;
 - people displaced from their home due to construction activity, damage or destruction to or at their primary residence;
 - workers on secondment;
 - people relocating and in transition between homes;
 - elderly waiting for access to retirement residence and villages;
 - carers;
 - interstate and regional people accessing city health services for long term treatment and their families.
- Introduction of transition period, for the by-law prohibiting STRA to take effect post the owners corporation implementing the by-law, as it takes time to scale down, get out of leases etc.
 - Deletion of the requirement to install smoke seals, and relaxation of fire safety requirements for BCA compliant buildings under 10 years old.
 - Introduction of min 7 night stay (excluding areas within holiday precincts) to reduce likelihood of “party house” issues being proliferated as an unintended consequence of the drafting.

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 2:14 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

Categories: emailed to DCS, Sylvia submissions, non Air BNB run

Submitted on Wed, 11/09/2019 - 14:10

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Tony

Last name

Blanche

Name withheld

No

Info

Email

tblanche@wyndel.com.au

Suburb/Town & Postcode

Neutral Bay

Submission file

[wyndel-apartments-stra-submission.pdf](#)

Submission

Please see attached submission from Wyndel Apartments, any questions please dont hesitate in contacting me direct on my mobile 0412223666

Regards

Tony Blanche

Wyndel Apartments

Suite 101, 17 Grosvenor Street

Neutral Bay NSW 2089

I agree to the above statement

Yes

From: Tony Curran <tonyc26@bigpond.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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...

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Thank you for reading my submission.

Regards,
Tony Curran
11 Sunrise Ave
Terrigal, Nsw 2260

From: Tony Hughes <tony@jev.com.au>
Sent: Tuesday, 10 September 2019 3:43 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: recorded in DPIE subs register, recorded and not sent to DCS, Purple category

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 have a business that represents home-owners who wish to host on Airbnb. Airbnb helps these home-owners to pay the mortgage and the bills, and to share their spaces to guests so that they can become part of other communities.

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 the homes of our home-owners.

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:

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Thank you for reading my submission.

Regards,
Tony Hughes
3 Cockatoo Court
Valentine, Nsw 2280

From: Toby Zappia <tobyzap@bigpond.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Dom submission, Air BNB run

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 we love to share what we have to offer in friendship and community spirit.

The Airbnb host community depends on hosting as an economic lifeline. 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 our guests to enjoy a home stay which provides friendship and comfort far superior to a common motel.

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:

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Thank you for reading my submission.

Regards,
Toby Zappia
80 Parrabel St
Bega, Nsw 2550

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 11:04 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 23:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tonya

Last name

Pilon

Name withheld

No

Info

Email

tonya@mac.com

Suburb/Town & Postcode

Coogee

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.

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Thank you for reading my submission.

I agree to the above statement

Yes

From: Tracey Mills <traceymills61@gmail.com>
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.

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Thank you for reading my submission.

Regards,
Tracey Mills
38 Waterloo St
Surry Hills, NSW 2010

From: Tracey Murphy <tractez.tm@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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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.

Regards,
Tracey Murphy
56 Briens Rd
Northmead, Nsw 2152

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 7:45 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

Submitted on Wed, 11/09/2019 - 19:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tracey

Last name

Murphy

Name withheld

No

Info

Email

tractez.tm@gmail.com

Suburb/Town & Postcode

2009

Submission

My unit is self managed super fund in Pyrmont.

Located in the Oaks apartments (Hotel) at 243 Pyrmont St Pyrmont.

As this is my super I am unable to live there for any length of time.

Due to my inability to use this dwelling as my home and the fact that it is in a Hotel, I should be exempt

from these new regulations.

All consideration should be taken in these certain circumstances.

I agree to the above statement

Yes

From: Tracey Murphy <tiger-rox63@hotmail.com>
Sent: Wednesday, 11 September 2019 2:13 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...

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.

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Thank you for reading my submission.

Regards,
Tracey Murphy
7 Asturias Ave
South Coogee, Nsw 2034

From: Tracey Petersen <altrapm27@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Tracey Petersen
477 Pinnacle Rd
Pumpenbil, Nsw 2484

From: Tracy Jones <tracy@glassfencing.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Tracy Jones
25 Wharf St
East Gosford, Nsw 2250

From: Tracy Tong <tracytong1@gmail.com>
Sent: Wednesday, 11 September 2019 2:16 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.

Regards,
Tracy Tong
12 Saywell St
Chatswood, Nsw 2067

From: Travis Smith <travis@travissmith.com.au>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 the property is an SMSF and I am trying to create wealth for my future while providing affordable accommodation in a region where hotel rooms are in low supply during peak periods.

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.

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Thank you for reading my submission.

Regards,
Travis Smith
1 Annabella Dr
Port Macquarie, Nsw 2444

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 11:03 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 23:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Trent

Last name

Pilon

Name withheld

No

Info

Email

tjpilon84@hotmail.com

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.

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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: Trenton Jamieson <trentonjamieson@hotmail.com>
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...

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Thank you for reading my submission.

Regards,
Trenton Jamieson
1 Beach Ave
South Golden Beach, Nsw 2483

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 2:31 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

Categories: Purple category

Submitted on Mon, 02/09/2019 - 14:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Trevor

Last name

Kilner

Name withheld

No

Info

Email

trevorkilner@yahoo.com

Suburb/Town & Postcode

TAPITALLEE

Submission

Thank you for making available the ability to make more detailed submissions regarding the short term rental accommodation industry.

While I acknowledge most short-term rental takes place in Sydney and its surrounds there are aspects

which I feel needed to be addressed for regional areas as well.

From talking to owners and from our own experience a lot of noise complaints are usually associated with the use of swimming pools and out door spas. There should be a time limit until which these facilities can be used by guests as the associated noise is a real and ongoing problem particularly in the summer months.

While setting the maximum number of guests at 12 may seem realistic not many houses are set up the facilitate 12 people. Normally you would have the ability to accommodate a maximum of about four vehicles off street for a large house. If you are going to increase the amount of parking owners would at least have to provide, constructed, marked and made available parking for the number of cars which 12 guests would bring somewhere between four and six designated car spaces would be needed. It follows that access to such properties should at least have a proper design and construction as guests may not be used to unformed and un-formalised roads or access.

In rural areas where untreated water is used owners of short term rental properties should provide water of a quality suitable to the Department of Health. Although this water may be suitable for long term residents whose system may be adjusted to the untreated water guests with low immune systems may be at serious risk using and drinking untreated water. A Water Quality Assessment should be at least a minimum requirement along with the appropriate signage, first flush system and a water quality assurance program.

The draft Plan does not make it clear to whom one should contact regarding complaints and what steps are to be taken to overcome frivolous and vexatious complaints.

Guests using motorcycles should be prohibited on home sites of at least five hectares as I can give examples of motor bikes being used on a one hectare site which really disturbs the neighbours.

Sites used for short term rental should be fenced. I have personal experience of Air B&B guests wandering over our property and in one case cutting down a five metre tall green Illawarra tree to use in a pizza oven.

Setting the maximum guests at 12 may be satisfactory in an area which has a reticulated sewerage scheme but in a rural area with the normal household septic such a system could, and more likely, would be severely overloaded by the sudden influx of 12 people using such a system even for such a short time as a weekend. From a health point of view obviously the maximum number of guests should be limited by the licenced design size of the domestic septic system.

For short term rentals supplying open or slow combustion fires, pizza ovens or wood fired barbeques provision should be made for the safe storage of such firewood.

Thank you for allowing me to make comments on the short-term rental accommodation.

Yours faith fully,

Trevor Kilner

1240 Illaroo Road

Tapitallee. 2540

0411 871 611

I agree to the above statement

Yes

From: Trevor Langton <bnbrsr@outlook.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 as I had forced retirement, and we have a space available, the small amount we receive from hosting our space helps with our Mortgage and household.

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.

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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.

Regards,
Trevor Langton
37 Baragoot Rd
Flinders, Nsw 2529



Callala Beach Progress Assoc. Inc

ABN 83 395 382 134

President	Trevor Smith
Secretary	Anne Versitano
Treasurer	Fiona Bowman

10 September 2019

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

Dear Sir/Madam

REFERENCE: DRAFT Submission on the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 - Public Consultation Draft.

Caveat

We have received verbal permission from Planning NSW staff (Sally) via phone conversations on the 6th, 9th & 10th of September 2019 that we have the right to present this submission in draft form because of time constraints and technical analysis in developing our submission. This submission is therefore made with the understanding that it is a draft submission and a full and complete submission will be made by 11:59 PM on 25 September 2019.

Preamble

Extract: Shoalhaven City Council Shoalhaven Short Term Holiday Letting in NSW - Options Paper 2017 Submission

The Shoalhaven is located on the south coast of NSW and is a popular holiday destination within a 3-hour drive of Sydney and Canberra. Shoalhaven is the most visited tourist destination in NSW outside Sydney (3.2 million visitors). As a result, the overall tourism industry is a large and important driver in the Shoalhaven economy with an estimated spend of approximately \$868 million, contributing to an estimated 7,400 jobs.

CBPA Draft Submission on the State Environmental Planning Policy (Short-term Rental
Accommodation) 2019 - Public Consultation Draft

Short term holiday rentals/letting or holiday homes have been a feature of the tourism in Shoalhaven for a long period. This important form of accommodation makes up a large part of the overall tourism accommodation supply in Shoalhaven. It was previously estimated that there could be in excess of 4,000 holiday homes in the City.

Data from the Tourism Research Australia's National Visitor Survey (March 2017) for the three (3) years ending September 2016 relating to accommodation types used by domestic overnight visitors indicates that approximately 60% of domestic overnight visitors to Shoalhaven stayed in what could be termed 'holiday homes'.

Comment

In opening let me state that Shoalhaven City Council 2015 submission to the New South Wales Parliamentary enquiry into regulation of short-term holiday letting did cover and mentioned fire safety but did not mention any issues associated with bushfire and short-term holiday letting.

We recommended that the current short-term holiday letting planning instruments recognise that there is a difference between traditional holiday home rentals and the “disruptive” sharing economy short-term rental. It is the latter that appears to have been the trigger for a probing government lens to be placed on the traditional holiday home rentals and the sharing economy short-term rental. Therefore, it is recommended that a one size fits all blanket policy on several items outlined in the legislation should be demarcated and applied specifically to the facet of the industry that you will achieve the intended outcomes from.

I make this submission being a short term rental owner along with the qualification that I am have been both a community member and a member of the Callala Beach Progress Association, a community consultative body under Shoalhaven City Council. Callala Beach and Myola have a vacant owner rate of very close to 73% and our closely adjoined village Callala Bay as a vacant owner rate of close to 33%. This has been confirmed by the 2016 census. A large proportion of the vacant owner properties are short-term holiday lettings (STHL). Along with the qualification of being closely associated with the Callala Beach Progress Association, I also have qualifications in land economics along with building and construction. I am a licensed builder and licensed real estate agent. I am very familiar with the EP&A Act, Home Building Act, Property Stock and Business Agents Act, Short Term Holiday Letting Planning Instruments, National Construction Code and relevant Australian standards along with and including specifically for this submission Planning for Bushfire Protection 2006 & Draft 2018 (PBP).

There are several items of concern for us as a beachside village located on the north side of Jervis Bay. Our concerns are shared by many other villages in similar areas which are surrounded by bushfire prone areas. As a rule, and by a desktop assessment methodology, looking at a bushfire map gives an indication if you are in a bushfire prone area.

The public consultation draft outlines inter alia, items on bushfire attack and flooding. These are the two items that I have concentrated on for our submission as I see this as very peculiar

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and specific to affecting our villages. The relevant section in the draft is Part 3, Division 2, section 13 & 14, items 1 (d) to (h) & section 13.3 (pages 8-10).

So, my interpretation of the draft, coupled with lengthy conversations with Planning NSW staff & Shoalhaven City Council planning staff indicate that we are all congruent in the interpretation of the bushfire component of the draft.

Putting it simply, an extract of the complying development component states the following:

Development for the purpose of non-hosted short-term rental accommodation is complying development for the purposes of this Policy if—

(d) the dwelling is situated on bush fire prone land, and

(e) no part of the lot on which the dwelling is situated is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ), and

(f) the dwelling complies with the requirements of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and

(g) in the case of the dwelling being situated in a lot in Zone RU5, there is—

(i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the dwelling, or

(ii) a 10,000 L capacity water tank on the lot, and

(h) in the case of the dwelling being situated in a lot in any zone other than Zone RU5, there is—

(i) a reticulated water supply connection to the lot, and

(ii) a fire hydrant within 60m of any part of the dwelling, and (i) in the case of the dwelling being situated on a flood control lot, the development meets the requirements of clause 14, and

(j) the development meets the general requirements for complying development specified in clause 10.

Consultation note: It is proposed that paragraph (f) will refer to the most recent version of the publication entitled Planning for Bush Fire Protection. (A 'pre-release' version of Planning for Bush Fire Protection 2018 is currently being shown on the NSW Rural Fire Service website.)

There would normally be an assumption that if you didn't fit under the complying development pathway, then there was a development application and approval pathway. It appears that the draft policy is clearly silent on this, therefore I have to assume that there is no pathway beyond complying development and if you don't fit into the complying development guidelines, you cannot operate a short-term holiday rental in BAL 40 and above (FZ). This ambiguity needs to be clarified so we can gauge the economic impact for our area. Let me say that if our assumption is correct, then the result may very well be catastrophic.

Taking into consideration that there will be many holiday homes (short-term holiday rentals) in our villages (Callala Beach, Myola & Callala Bay) that fall into being subject to BAL 40 and/or above, then the effect on our village and individual owners could be quite ruinous. Not to mention there will be many other villages not only in the Shoalhaven but across New South Wales in the same situation.

Section 13 (1(f)) of the draft outlines:

Development for the purpose of non-hosted short-term rental accommodation is complying development for the purposes of this Policy if— (e) that no part of the lot in which a dwelling is situated is Bush Fire BAL 40 or FZ.

It is assumed that if a short-term rental property has a BAL rating of up to 29 and the dwelling does not currently comply with the requirements of planning for bushfire protection, then there will be a variable cost (in many instances moderate to high capital costs) to comply with the requirements of this planning instrument. It is assumed that compliance of the dwelling with the BAL 29 rating should allow for a complying development certificate.

After some in-depth enquiry and investigation there may be some relief from exposure to the intended effect of the draft in the form of ***existing use rights***. Our interpretation of the existing use rights is that of elements of the Shoalhaven Environmental Plan and Development Control Plan/s that relate to holiday home rentals and have been carried through from the initial adoption in 2006. Shoalhaven City Council have allowed the holiday letting industry to prosper and thrive for many years and has also indirectly enabled it by allowing booking platforms run by Visit Shoalhaven to take bookings for holiday homes for a fee. This is seen as Council assisting and enabling the local holiday home industry to build capacity and thrive, in turn contributed to the growth in tourism and tourist expenditure.

Part 4 Section 15 - ***Saving Provisions*** of the draft proposal outlines the possibility of some relief with regards to a development application or a complying development certificate that has been made but not determined before the commencement of this proposed policy. This section states:

15 Savings provisions

(1) A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of this Policy, or an amendment to this Policy, must be determined as if this Policy or the amendment had not commenced.

(2) Development that was commenced before the commencement of this Policy and that was, immediately before that commencement, exempt development in accordance with an environmental planning instrument that was amended by this Policy may be continued as if this Policy had not commenced.

There is one possible issue with the savings provisions being applied to existing short-term rental activity the Shoalhaven, which is that holiday letting in the Shoalhaven was initially

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formally enabled by some planning instrument provisions that didn't really require a development approval process, so again this is somewhat ambiguous with regard to interpretation and requires clarification.

The draft places a reliance on the precautionary principle with regards to planning for bushfire protection. I would like to see the data that has been relied upon and not just make a one size fits all approach with regards to planning for bushfire protection, as previously stated.

We also welcome a grandfather clause with regards to existing use and if no grandfather clause provisions are granted, then some sunset clause provisions, which will provide relief and planning for forward bookings that may have been taken by holiday rentals. In some instances, forward bookings between 12 and 18 months are not uncommon.

I also note that there is a fire safety component of the draft and that although a burden on and above what is already required by a class 1 freestanding single residence, a layer of commercial fire compliance is also being applied. This has a technical issue with the application of the Building Code of Australia as well.

If there is no approval pathway beyond BAL 40 for STHR, then the application of this restraint is seen as an overreach of the spirit of the intent of the original legislation. It would appear that there has been some lobbying from high places that has steered the direction of the proposed amendments to the legislation to apply such an odd requirement for an industry that has never had this as an issue.

Long term rentals are covered by the Residential Tenancies Act & Reg., of which there is no reference to Planning for Bushfire Protection 2006 (or Draft 2018). I consider this a bit odd and out of line with the assumed intent of the STHL legislation.

Dependent on the cost of the compliance required, can these costs be reasonably expected to be retrieved if the property was to be sold back to an owner occupier. I don't think that the costs can be recovered and therefore would have to be considered as an out of line sale. The costs for compliance will be difficult to recoup and the payback period for the compliance will affect the overall return which may favour an owner to revert to a permanent rental. This may be seen to be favourable by some parties, however in our scenario may very well contribute to a large gap in the capability of our area to service the demand that comes from tourism, namely bed nights. This will in turn have a negative effect on other businesses in the local area that service tourism and are an important source of employment in the area.

It should be known that a lot of the residential development in our village and for that, a lot of other regions in the Shoalhaven which are popular with tourists have dwellings that were built and/or developed prior to PBP. The costs involved with the retrospective application of PBP on STRA could easily end up being costed between \$5000 and \$45000. From the properties that I have sampled it would not be out of line to even say some of the cost to apply PBP could be in excess of \$45,000. The requirement to bring most properties up to an acceptable level of compliance with PBP is one that has not been budgeted for by owners and would be generally seen as a penalty for having a STRA.

CBPA Draft Submission on the State Environmental Planning Policy (Short-term Rental
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The ripples that will flow out from the full application of the amendments will have a definitive negative economic effect from the reduction in services being required to maintain holiday accommodation and in a convoluted way the proposed sale price of real estate that is located in an area subject to BAL 29 and above. The issue is that the higher and better use for a freestanding residence is holiday accommodation, with a much higher net return than a permanent letting for investment purposes. So when a prospective purchaser looking for a holiday rental accommodation investment may very well have to discount the homes for sale in BAL 40 and FZ as our interpretation of the draft tells us that you cannot utilise them for holiday letting (effectively leaving them for permanent rental or owner occupiers). This may very well, in turn, affect the sale price as compared to the "one across the road" which you can let for holiday lettings. So a very probable situation would be that we'd have a property on one side of the road that could only be let permanently and offer a 2% to 4% net return and the property opposite that could be a short-term rental and achieve a net return of between 8% and 15%. The requirements for exempt and/or complying development will allow the short-term rental property to effectively achieve a higher sale price. This is seen as punishing the current owner of the property that will be subject to the STHL planning instrument and associated legislation.

In this day and age, when our government is trying to minimise green and red tape, this amendment is a surprise to your mantra of trying to make it easy for people to do business in NSW.

In closing may I say if it isn't broken why fix it and at face value this truly does appear to be a ridiculous requirement put on a sector of the industry that has been self-regulated and functioning almost without hiccup for the last 40 years. Admittedly there are some issues that have arisen due to the sharing economy in high density areas, and the legislation has appropriately addressed this, but these last proposed amendments are not seen to be well thought out or scoped at all, and do not appear appropriate nor required for regional NSW.

Your faithfully



Trevor Smith Dip.Bld AdvDip.Bld Dip.PM
President, Callala Beach Progress Association Inc.
Callala Beach, NSW
e: president@callalabeach.org.au
m: 0418237244

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 11:36 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

Submitted on Wed, 11/09/2019 - 23:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Trevor

Last name

Smith

Name withheld

No

Info

Email

president@callalabeach.org.au

Suburb/Town & Postcode

Callala Beach NSW 2540

Submission file

[cbpa-planning-nsw-sthl-submission-september-2019.pdf](#)

Submission

Dear Sir/Madam

REFERENCE: DRAFT Submission on the State Environmental Planning Policy (Short-term Rental Accommodation) 2019 - Public Consultation Draft.

Please see our submitted draft submission along with the below caveat promising the Callala Beach Progress Association Inc. an extension of time until 11:59 PM on 25th September 2019 to convey to the Director, our full submission.

CAVEAT

We have received verbal permission from Planning NSW staff (Sally) via phone conversations on the 6th, 9th & 10th of September 2019 that we have the right to present this submission in draft form because of time constraints and technical analysis in developing our submission. This submission is therefore made with the understanding that it is a draft submission and a full and complete submission will be made by 11:59 PM on 25 September 2019.

I agree to the above statement

Yes

From: Trevor Walter <trevorwalter@hotmail.com>
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 I want to give people from either Australia or overseas visitors, a very positive and wonderful holiday experience in the city of Coffs Harbour & surrounding areas.

I really enjoy hosting guests in my home and providing lots of information & recommendations on the attractions, both natural and commercial, for them to enjoy and impacts positively for both my guests and the community as a whole.

I believe I provide an accommodation experience for my guests that is unique in a very positive way, offering home style accommodation is vastly different than staying in a motel, resort, caravan park or the like.

I place a very high priority on educating my guests on safety regulations applicable to my building and the absolute highest importance on that and also the compliance with local laws, regulations etc to ensure it is a safe and happy experience for both them, myself and neighbours.

I have had nothing but glowing reviews and feedback from my guests about their holiday experience and activities they enjoyed and this has generated repeat visits with only positive results for all concerned including the local economy.

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.

Regards,
Trevor Walter
123 Park Beach Rd
Coffs Harbour, Nsw 2450

From: TRINA MCCALLUM <trinamccallum@hotmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
TRINA MCCALLUM
71 Banyandah St
Broulee, Nsw 2537

From: Trisha Moore <trisha.moore@live.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Trisha Moore
5 Garibaldi St
Armidale, Nsw 2350

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 12:24 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

Follow Up Flag: Follow up
Flag Status: Completed

Categories: recorded in DPIE subs register, Purple category

Submitted on Mon, 09/09/2019 - 12:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Tristan

Last name

Ramsay

Name withheld

No

Info

Email

facilitiesmanager@onedarlingharbour.com

Suburb/Town & Postcode

2000

Submission

i would like further controls to specifically outline this process rather than many of the ambiguous parts of the proposed regulation

I agree to the above statement

Yes

From: Troy Gercek <troygercek@gmail.com>
Sent: Wednesday, 11 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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Thank you for reading my submission.

Regards,
Troy Gercek
42 Macquarie Dr
Cherrybrook, Nsw 2126

From: Troy Kay <troykay@outlook.com>
Sent: Wednesday, 11 September 2019 2:22 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

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 put simply it brings benefits to people of NSW both guests and hosts that can't be found elsewhere. Places to stay at a great price organised through a strictly regulated website.

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.

Regards,
Troy Kay
10-12 Gordon St
Woonona, Nsw 2517

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 2:26 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 14:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Trudi & Iain

Last name

Roxburgh

Name withheld

No

Info

Email

itconcreting@gmail.com

Suburb/Town & Postcode

Callala Beach 2540

Submission

We would like to make a submission on the following points.

The use of BAL zones to exclude existing holiday homes unfairly disadvantages rural and remote area

holiday homes with very limited other accommodation options with ripple effects that will impact jobs and the local economy.

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 and remote area's that had holiday homes prior to the sharing economy with no problems.

Regards

Trudi & Iain Roxburgh

I agree to the above statement

Yes

From: Robyn Eisermann <rEisermann@tweed.nsw.gov.au>
Sent: Friday, 20 September 2019 2:56 PM
To: DPE PS STHL Mailbox
Subject: Tweed Shire Council submission to the exhibition on Short Term Rental Accommodation legislative framework
Attachments: CI report draft legislation_Sept2019 final and resolution.pdf;
TSC_Signed submission_Sept2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi all

As previously agreed, Tweed Shire Council forwarded a draft submission to the STHL exhibition by the closing date of 11 September, to be followed up with a Council endorsed submission following consideration at their meeting of 19 September 2019.

Council resolved to forward this submission, now attached along with the Council report and resolution.

Regards Robyn

Robyn Eisermann

Acting Coordinator Strategic Planning and
Urban Design



p (02) 6670 2562

[contact us](#) | [website](#) | [your say tweed](#) | [our values](#)



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All official correspondence requiring a formal written response should be addressed to the General Manager, PO Box 816, Murwillumbah, 2484; or emailed to tsc@tweed.nsw.gov.au; or faxed to 02 6670 2429.

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www.tweed.nsw.gov.au

This email has been scanned by the MessageLabs Email Security System

From: Ann Ranson <ransonann@gmail.com>
Sent: Monday, 9 September 2019 7:15 PM
To: DPE PS STHL Mailbox

Categories: recorded in DPIE subs register, recorded and not sent to DCS, Purple category

Re: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

-
-
-

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Ann Ranson
4/33 Denham Street
Bondi NSW 2010
Mobile: 0415 439604
www.bondibeachbreak.com

From: Usha Pradhan <pradhan.up8@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: rob submission 2.0, Air BNB run

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...

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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.

Regards,
Usha Pradhan
208 Dandaraga Rd
Mirrabooka, Nsw 2264

From: Vaasugi Velmurugu <vaasugiv@gmail.com>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Vaasugi Velmurugu
15 Herbert St
St Leonards, Nsw 2065

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 1:47 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

Categories: Purple category

Submitted on Thu, 15/08/2019 - 13:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Valerie

Last name

Mason

Name withheld

No

Info

Email

masonval@alphalink.com.au

Suburb/Town & Postcode

South Golden Beach 2483

Submission

The important aspect for me is consideration of neighbour she, so a defined code of expectations seems like the fairest option. I would be in favor of short term let's given this proviso.

Valerie Mason

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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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: 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 6:02 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

Categories: Rob submission 3.0, non Air BNB run

Submitted on Wed, 11/09/2019 - 18:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Valentina

Last name

Gombi

Name withheld

No

Info

Email

info@byronthaimassage.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

I can't talk for every town and city in NSW, nor the world, but what I know very well, having lived in Byron Bay for 22 years, is that Byron Bay is suffering a huge housing crisis.

Not because of the lack of housing being built, but because most of the houses built end up empty most of the year and available only for holiday accommodation rental or AirBnB.

This has pushed all the locals who didn't already own their own house out of Byron and now they are being pushed further and further.

Housing prices are being pushed up by all the rich investors, coming to buy or build and not renting long term to locals.

The houses for holiday letting, without owner present, disturb neighbors and get heaps of complains. The police ends up being busy for petty noise disturbance calls, working locals can't sleep.

Not to talk about the amount of extra tourists that the holiday letting brings to a town, without council having the ability to charge them a bed tax. The extra use if the info-structure, roads, etc has a major toll on council's finances.

What about the approved holiday letting businesses who have paid extra for DA approval, who pay extra in taxes, who make sure health and safety is all ok? They are all closing down, not being able to sustain the competition with people who don't have to comply and pay anything extra.

I personally don't find it right to overcome council's decisions. Every town and city is different and they should have the power to decide what is best for their own town, for the particular circumstances.

Nothing of this kind is ever good at a national level. You are taking local council's power away and destroying our towns.

Let council decide what is best and how long to limit holiday letting for.

Thank you

I agree to the above statement

Yes

From: Valerie Tootell <valtootell@y7mail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Valerie Tootell
16 Holman St
Port Kembla, Nsw 2505

From: Vanessa Egan-Smith <vlegan@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Rob submission, Air BNB run

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 me pay the mortgage and bills in addition to paid employment.

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. My guests also support local vineyards, 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.

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Thank you for reading my submission.

Regards,
Vanessa Egan-Smith
515 Wollombi Rd
Broke, Nsw 2330

From: Vanessa howlett <vanessa-1003@hotmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: Tom Submission, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Vanessa howlett
3 Coventry Pl
Lake Albert, Nsw 2650

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 9:27 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

Categories: recorded in DPIE subs register, Purple category

Submitted on Sun, 08/09/2019 - 21:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Veda

Last name

Turner

Name withheld

No

Info

Email

vedaturner@gmail.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

Thank you for the opportunity to have input into the draft Planning Policy

I am seriously concerned by the erosion of 'community' in my neighbourhood caused by short term holiday letting.

Half the homes in my direct neighbourhood are Holiday Lets. Therefore my opportunity and those of neighbouring residents to form meaningful relationships is curtailed.

This has resulted in a diminished sense of community.

As those using the short term accommodation are here to party, the disruption to the amenity of residents is considerable.

In my community, the prevalence of short term Air B&B has led to over 2000 whole properties being used in this way.

This has created a 'hollow' neighbourhood. These homes are lost to the local population as potential homes for workers, for volunteers in community organisations, and for families who have traditionally lived locally.

House prices have escalated beyond the reach of local wage earners. Permanent rental rates have likewise been artificially elevated by the lack of properties available for long-term accommodation.

These properties are now predominantly owned by non-resident investors who live in distant cities and do not participate in the local economy or community.

I believe that there must be licensing of, and a clear category of commercial use when properties are used predominantly for short term letting. The many registered accommodation providers, such as Bed and Breakfast businesses pay many fees to operate as registered businesses. They comply with regulations, and then have their business eroded by unregulated accommodation providers.

This is simply unfair, and I believe cheats the residential community and Local Government of funding for community infrastructure.

It is time that there be a dis-incentive, an additional cost for using properties in this way, or we risk losing communities in coastal locations. Likewise, there needs to be a zone within local planning zones for this type of property use, so that residential areas are safeguarded from this erosion.

This would reduce the need for compliance with set periods of rental as suggested in the draft. The costs of monitoring such requirements would be considerable. Likewise the idea of an Industry managed register to monitor usage rates would not be required. The situation would be made clear, that the zone is for Air B&B use - end of story.

This would not effect the use of individual rooms within permanent residential properties, as was the original style of Air B&B.

This option for residents to supplement their income is a positive strategy. It also lends itself to a positive experience for visitors who are more able to experience the local community at a deeper level than those who do not have the opportunity to interact with 'locals'.

I find that the proposed legislation has missed the opportunity to consider how the many overseas markets are seeking to regulate this type of accommodation. An examination of these strategies would most likely show that the interests of residents should be considered paramount.

The fact that there is a conflict of interest in Members of Parliament owning short term rentals is a concern.

Members with this conflict should not be allowed to vote on the legislation.

The legislation must consider the presence of loop holes that allow unrestricted use when bookings extend beyond 21 days.

Just because a booking extends to 21 days in no way lessens the impact on the community and neighbours.

And then the proposed 180 days are apparently still available for short term use!

These properties are very clearly operating on a commercial level, and must be made to pay the relevant fees and charges.

That they are rated as residential properties is a rip-off for the local community, as they only represent a negative impact locally.

I ask that the Government make a clear judgement recognising the cost to communities of the short-term Air B&B industry, that has grown to have such impact due to lack of planning and legislation.

It has found its way into every street in many coastal towns, and now must be made to comply as a form of commercial development.

For the sake of the future of neighbourhood amenity, I beleive that areas should be zoned to allow or prohibit use of properties as vacant short term rentals. This would allow better use of Local Government resources, better planning to meet visitor needs, and allow communities to develop with clear guidelines for how neighbourhoods develop.

Best Regards,

Veda Turner

I agree to the above statement

Yes

From: Vicki LOUIE <vlouie22@hotmail.com>
Sent: Friday, 6 September 2019 7:00 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Get [Outlook for iOS](#)

From: Vicki Louie <vlouie22@hotmail.com>
Sent: Wednesday, 11 September 2019 2:21 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.

We host on Airbnb because as we are self funded retirees, we use our Airbandb income to supplement our pension.

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.

Regards,
Vicki Louie
Scenic Hwy
Terrigal, Nsw 2260

From: Vickie Macrae <vickiebouwman@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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...

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.

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Thank you for reading my submission.

Regards,
Vickie Macrae
Grose Vale Rd
East Kurrajong, Nsw 2758

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 2:39 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

Categories: Sylvia submissions, recorded in DPIE subs register, Purple category

Submitted on Tue, 10/09/2019 - 14:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

vicky

Last name

attenborough

Name withheld

No

Info

Email

vicky@pountney.org

Suburb/Town & Postcode

Byron Bay 2481

Submission

Having lived in Byron Bay for 25years I have been shocked by how damaging to the community the Short Term Holiday Letting, notably Airbnb, is having on our life. Often the accommodation has no owner or

tenant home and that leaves it open for holiday makers to be as noisy and antisocial as they like. It also means that local people are locked out of a home in the shire because of the shortage of and incredibly expensive housing stock caused by STHL. This place is very community focused and to have that eaten away without any concern is shameful. If we don't care for one another and the diversity of our land then the outcome looks bleak indeed.

This town experiences a high number of tourist, which means we have unique problems that have to be dealt with, as mentioned above. STHL need to regulating in a sympathetic way that takes into account the community of people who live here. With the proper controls in place everyone can have a bit of the cherry.

I agree to the above statement

Yes

From: Victoria Jones <victoriasarahjones@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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 have a mortgage that needs payment . On top of this is all the rates taxes etc. Soon I will be a pensioner and to rent out rooms under my roof will support myself , my sister and husband. My sister and husband are pension age but continuing to work to pay the mortgage. Until we reach negative interest rates as in Denmark where we have to pay less than what we borrowed Australians need Airbnb and other such strategies to repay our greedy Banks. Banks that commit fraud and are unethical but supported by Governments.

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:

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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:

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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.

Regards,
Victoria Jones
10 Brushbox Dr
Mullumbimby Creek, Nsw 2482

From: Victoria Redman <vicredman@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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 gives me the freedom and flexibility to manage my apartment as I wish whilst I travel away from home. When I was made redundant last year, this was the only way I was able to cover my mortgage for a temporary period and keep my home. I also love meeting and liaising with the many people I have hosted - they thoroughly enjoy the more personalised and local experience I provide them, especially as there are no decent hotels in the vicinity.

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.

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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.

Regards,
Victoria Redman
34 Bond St
Maroubra, Nsw 2035

From: Vida Carden-Coyne <vidacc@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

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 is an effective platform that provides an alternative and cost effective booking service to both the guest and the host.

Where other platforms charge excessive fees for providing the a similar booking device.

I live and provide for 2 children in the small south coast tourist destination town of Kiama NSW. This town thrives on being a tourist destination as well as place for retirees to settle. It is a small industry that is sustaining itself through a variety of natural attractive environmental features, rain forests, bush and beach walks, surf beaches and a growing cultural and sporting event calendar that is underpinned by the providing of affordable accomodations.

Short term holiday rentals are an essential part of this vibrant communities ability to sustain itself. It brings money to the community, shops and its culture.

We have small festivals and tourist activities that rely on the short term holiday rental market to house the incoming tourists who frequent our restaurants, cafes and shops whilst attending the various cultural, sport or tourist activities.

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 manage the portfolio of homes I have in my care.

i live locally so I am on hand to answer to any issues that might arise from a guests stay. The people who live near all my properties have my number or know me personally. And I scrutinise the guest enquires so there are no parties allowed at any of my properties.

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. This market is already shrinking with the retail downturn in the economy.

Environmental Planning and Assessment (STRA) Regulation 2019

I oppose the unprecedented requirements to introduce red tape to make costly alterations to properties 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 a property is approved to be safe for a family or individual to live in, it's safe for potential guests.

I support the NSW Government streamlining safety regulations which:

- Respect the ancillary use of houses and properties to be used 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. As a result of this the tourism industry in these states has also boosted their individual economies.

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.

We don't want punitive home sharing rules, overly complicated planning requirements, or expensive or complex registration systems.

Thank you for reading my submission.

Regards,
Vida Carden-Coyne
72 Bong Bong St
Kiama, Nsw 2533

From: VINCENT J ACTON <vinacton@bigpond.com>
Sent: Tuesday, 24 September 2019 1:10 PM
To: DPE PS STHL Mailbox
Subject: STRA Submission

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir,

My wife and I have lived in a city high rise strata apartment at 127 Kent St., Millers Point for many years.

The vast majority in this building are owner/occupiers and we have enjoyed a warm, cooperative and friendly atmosphere. We are terrified that this building should be opened to short stay rentals and the changes which will result. This would have enormous impact on the staff, amenities and any feeling of some moderating control on behaviour.

When we purchased our apartment there was no indication that this change in the character of the building might occur.

We cannot understand why there is any need to legislate to change the character of a strata building when the great majority of owners oppose the move.

We strongly object to this suggestion.

Sincerely,

Vincent and Helen Acton

From: Vincent grellier <vincent.grellier@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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 me support my living in a community where employment is a problem and I have space when my kids are not in my care.

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.

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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.

Regards,
Vincent grellier
43 Howard St
Coffs Harbour, Nsw 2450

From: Vincent Tan <vtan1954@gmail.com>
Sent: Saturday, 17 August 2019 2:45 PM
To: DPE PS STHL Mailbox
Subject: short - term accommodation

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

From: Vincent Tang <vincent15tang@msn.com>
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 like to meet new people and share my local experience with others while making money to help me with the mortgage payment. The extra money I make goes toward supporting my retired parents, providing them additional cash to spend without digging into their limited saving.

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.

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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.

Regards,
Vincent Tang
12 Hawkhurst St
Marrickville, Nsw 2204

From: Ministerial Services
<MinisterialServices@customerservice.nsw.gov.au>
Sent: Friday, 13 September 2019 10:33 AM
To: DPE PS STHL Mailbox
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA
Attachments: Support Regional NSW rentals.pptx; Support Regional NSW rentals.pdf

Please see submission to consultation
Regards
Ministerial Services
Department of Customer Service

From: DLO Anderson [mailto:DLO@anderson.minister.nsw.gov.au]
Sent: Friday, 13 September 2019 9:11 AM
To: Ministerial Services <MinisterialServices@customerservice.nsw.gov.au>
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA

Hi MS,

Please register as a departmental response.

Thanks

From: ElectorateOffice Tamworth <ElectorateOffice.Tamworth@parliament.nsw.gov.au>
Sent: Thursday, 12 September 2019 10:46 AM
To: DLO Anderson <DLO@anderson.minister.nsw.gov.au>
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA

Good morning,

Please find email regarding Minister Anderson's portfolio, for your attention.

Kind regards,

Rachel Wells
Electorate Officer
Kevin Anderson MP
TEL: 02 6766 1422

From: members@visitregionalnsw.com.au <members@visitregionalnsw.com.au>
Sent: Wednesday, 11 September 2019 4:06 PM
To: members@visitregionalnsw.com.au
Subject: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA

Dear Liberal and National Members,

Regional NSW has supported you and we need your support to not devastate Regional NSW Tourism with a cap of 12 guests for Homes in Regional NSW.

Please view Presentation attached and video link of hundreds and hundreds of affected homes in Regional NSW.

1. Submission:

<https://youtu.be/cElpjWZ-e08>

2. Video of about 1000 homes in Regional NSW affected by can of 12 guests

<https://youtu.be/JDKq6CKlVnw>

SHORT-TERM RENTAL CAP OF 12 GUESTS = ECONOMIC LOSS OVER \$565,200,000.00
PA

SUPPORT US. Support Regional NSW
SCRAP the CAP
of 12 guests for Regional NSW

Protect hundreds of Regional Families and homes

- * Protect Regional Tourism
- * Protect Farmers
- * Protect local jobs
- * SCRAP the CAP for Regional NSW

* For us:

- Unsustainable to keep our small farm
- We may need to Sell our farm
- A Loss of direct local jobs x 4
- Loss of indirect jobs in community
- Hundreds of thousands of \$ in the community lost
- Average guest size 30 with no where to stay as hotels are not an option for family reunions, schools, etc

* For REGIONAL NSW

* \$565,200,000.00 lost in the economy pA If 20 guests is an average for these >12 guest homes

* \$367,380,000.00 per year lost that's if 1000 homes affected x 13 guests (reality is many rural homes have 20-40 guests) x \$157 spend per person x 180 days of rental.

* = Loss of thousands of direct and indirect jobs affected in NSW

* =- Devastation for farmers relying on tourism

For and on behalf of Regional NSW Homes, Families, Farmers, Pensioners and businesses that rely on Regional Tourism that WILL be devastated by a 12 guests cap for Short Term Home rentals.

Thank you for viewing the presentation and submission.

visit Regional NSW

- Email: members@visitregionalsw.com.au
- Phone: 02 8859 8292

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From: members@visitregionalnsw.com.au
Sent: Wednesday, 11 September 2019 3:32 PM
To: DPE PS STHL Mailbox
Subject: SHORT-TERM RENTAL CAP OF 12 GUESTS = ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA
Attachments: Support Regional NSW rentals.pptx; Support Regional NSW rentals.pdf

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- = Loss of thousands of direct and indirect jobs affected in NSW
- = Devastation for farmers relying on tourism

From: Ministerial Services
<MinisterialServices@customerservice.nsw.gov.au>
Sent: Friday, 13 September 2019 10:33 AM
To: DPE PS STHL Mailbox
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA
Attachments: Support Regional NSW rentals.pptx; Support Regional NSW rentals.pdf

Categories: Tessa Submissions, non Air BNB run

Please see submission to consultation
Regards
Ministerial Services
Department of Customer Service

From: DLO Anderson [mailto:DLO@anderson.minister.nsw.gov.au]
Sent: Friday, 13 September 2019 9:11 AM
To: Ministerial Services <MinisterialServices@customerservice.nsw.gov.au>
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA

Hi MS,

Please register as a departmental response.

Thanks

From: ElectorateOffice Tamworth <ElectorateOffice.Tamworth@parliament.nsw.gov.au>
Sent: Thursday, 12 September 2019 10:46 AM
To: DLO Anderson <DLO@anderson.minister.nsw.gov.au>
Subject: FW: ECONOMIC LOSS over \$565,200,000.00 pA for Regional NSW STRA

Good morning,

Please find email regarding Minister Anderson's portfolio, for your attention.

Kind regards,

Rachel Wells
Electorate Officer
Kevin Anderson MP
TEL: 02 6766 1422

From: members@visitregionalnsw.com.au <members@visitregionalnsw.com.au>
Sent: Wednesday, 11 September 2019 4:06 PM

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Attachments: Support Regional NSW rentals.pptx; Support Regional NSW rentals.pdf
Categories: Rob submission 3.0, non Air BNB run

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- = Devastation for farmers relying on tourism

From: Vivian Lu <vivianlu1101@hotmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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.

Regards,
Vivian Lu
149 Pyrmont St
Pyrmont, Nsw 2009

From: Viviann Tran <vvn.baku@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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I host on Airbnb because I need it to cover the decrease in rental income and high vacancy rate.

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Thank you for reading my submission.

Regards,
Viviann Tran
2 St Andrews Cl
Belrose, Nsw 2085

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 7:10 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

Submitted on Sat, 07/09/2019 - 19:10

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Vivien

Last name

WONG

Name withheld

No

Info

Email

cfp.adviser@hotmail.com

Suburb/Town & Postcode

Wollstonecraft

Submission

I object to short term rental accommodation. We need community spirit in our building which can only

be fostered by getting to know our neighbours. Short term renters have plenty of choice such as motel, hotel, houses.

We have had experience from short term renters. They do not care about our building and are not aware of our by-laws governing our building. There are too much common property being placed at risk with short term renters, such as washing machine and dryers; damage to entrance door hinges; higher running and maintenance cost due to more frequent use of lift etc.

Allowing short term accommodation is unfair to other owner occupiers and long term leasers.

I agree to the above statement

Yes

Submission in response to the 'Short-term rental Accommodation - A new regulatory framework' Discussion Paper.

At present, STRA is regulated differently in different local government area (LGAs) across NSW.

It has to be understood that different councils also have different requirements. Small regional communities might be happy to have visitors come to their area and contribute to their economy in a responsible fashion and have no issues with buck's parties, weddings and schoolies.

However, some communities with a high influx of visitors on an ongoing basis might need a very different approach. Especially if there is already a thriving, licensed tourism accommodation industry present.

Byron Bay is a great example where it is going wrong. Just like other popular places such as Western Australia, Tasmania, Amsterdam, Venice, Barcelona and New York, Byron Bay struggles with a partially unlicensed tourism accommodation industry.

Byron Bay actually already offers a variety of licensed accommodation styles ranging from luxury resorts to hotels, motels, serviced apartments, backpackers and B&Bs. The licensing of those business is challenging for the proprietors. They comply with fire safety regulations, they pay commercial council rates and contribute to the infrastructure maintenance and upgrade through their licensing.

The Byron Shire Council has a DCP and LEP regulating the accommodation industry. It is clearly stated what requirements are needed, business owners go through the process and voila...

With the advance of ease of listing any kind of building (!! garage, sheds etc) for tourist accommodation purposes this has completely gotten out of hand in Byron Bay. Dwellings built to accommodate a family now host twice the number of people it was intended for most of the time, putting pressure on existing infrastructure such as drinking water and waste water facilities. In addition those houses do not offer adequate parking for the extra cars.

Houses are being purchased and sold with the sole purpose of letting them out as holiday letting places, which inflates the purchase prices to a level that no one can afford to just live in them.

Importantly, the rental pool is shrinking and exisiting rentable places are at a premium. Ironically, some people that do rent, sub-let their place and move in with relatives when they receive a booking.

Backpackers, who are particularly vulnerable being from overseas, have been charged \$500 per week in a shared room in a house!

The houses built with a DA for a 'residence' should be mainly used for this purpose.

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"

Neighbours of those residences used for unlicensed holiday accommodation - who thought they had moved into a home in a residential street - suffer from sleep deprivation and stress as there is generally no host on-site. Council can't do anything as it is a residential house not a business, police might not always be able deal with the noise issues long term. All they can do is visit ask the visitors to turn it down. However, the next day with new people staying, the neighbours have to go through the whole process again. Hearing the people arrive, music starts but it is still early and then wait until it is past 10 pm.....

Byron Bay tried self-regulation by the Holiday Letting Organisation (HLO) who funded a Holiday Letting hotline. The idea was that a host would get three strikes and they could no longer operate.

It doesn't work. The hotline recommends anybody who complains in the middle of the night to call council and report. Council, the next day, says to call the hotline or the police. The police has better things to do as their hands are tied anyway: every time it is a different person causing the noise, so no one can be held responsible. Neighbours give up and sometimes try to confront the perpetrators, resulting often in verbal abuse and revenge vomiting, vandalism and littering by the tourists who feel entitled to have the time of their life.

The next week those poor people seize up when they hear the roller bags coming down the drive way next door.

The proposed Code of Conduct for STRA sounds admirable, but to have an exclusion list for hosts and guests is not realistic.

As owners of licensed accommodation, we have seen a significant decline in viability of our business. Before we even open our doors we have a long lists of costs to keep our license current and up to date. Unlicensed premises are able to charge a much lower fee without having all those costs and there is no GST they need to pay despite offering exactly the same service we do.

Surely, the government is missing out on an enormous amount of GST they can't collect.

The number of people staying has not increased, instead people expect to pay less. Our prices are back at what they were 15 years ago! We can't afford staff anymore, we had to let them go.

Many of our colleagues have left the industry, their business being considered worthless. Why get a DA if you will be restricted by the number of people that can stay, have to provide off road car parking, disabled access and pay extra to top it off?

As the unlicensed operators do not pay any contributions, do not have to pay for fire inspections once a year or increased council rates it is impossible to compete with the low prices these rogue operators can charge.

AirBnB uses the 'average' of incomes to show how little money is made by individuals, but they have not published the median or spread of money made. If one person can have 30 odd places and uses so-called 'super hosts' to manage them, you can't tell me that there is no money to be made.

Of the many, many listings in the Byron Shire there are 1331 listings for whole houses/apartment with only 359 landlords, which means that those hosts are not just your regular mum and dad trying to make an extra buck they are full blown commercial operators.

To suggest that these operators can operate 365 days a year is a ridiculous proposal. The hosts/ landlords know it is worth their while, why don't they go through the process of obtaining a license. They had their go at seeing if it works for them financially. They could even do a business plan!

Even if Byron Bay would get a 90 day limit it would be not workable for our community. This would still be 45 weekends. This would still be the whole month of January and then 2 more months.

And what does it mean 90 days? Can the property be available for 90 days in total or does it mean 90 nights booked? What if there is a cancellation of 4 days, can that place be re-booked for another 4 days at another time? Can they keep the cancellation fee? How will this be monitored? What about direct bookings? How would this work? How can you expect the on-line booking platforms to keep track on this and be honest about it if they make a 20% commission on each booking.

This does not provide any clarity at all!

It is understandable though as politicians - for example the Deputy Premier - have their own property listed as a holiday home as well.

The proposed framework states that un-hosted bookings of 21 or more consecutive days will not have to comply with the applicable day thresholds.

If a family comes for a 3 week holiday and rents a house, the owner can do two lots over summer and still have 90 days for the rest of the year?

This certainly offers a loophole. Someone can just rent out their property to someone else for 6 months and they can sub-let it on an overnight basis. How is this going to be policed?

The fact that unlicensed tourism accommodation is put under the banner short-term rental is terribly confusing.

The overall proposal seems to have the attitude of "It is all too hard to police, so we are just going to allow it and pretend there is a system in place". Meanwhile, our town is being taken over and no locals will be left. No staff available for restaurants, schools, the hospital, etc because they can't afford to live here.

It is a fact that a regulated industry is being de-regulated, all for the short-term benefit of realistically only a few and the on-line booking agents. This is no longer about home sharing or someone letting out their holiday home on a few occasions a year.

SUMMARY

- The proposal is that a regulated industry has been de-regulated and needs to be re-regulated, but is ridiculously unfair compared to the existing licensed businesses in that same industry
- Unlicensed tourist accommodation providers are not paying GST even though some of them supply overnight accommodation, breakfast, room service just like hotels, motels and B&Bs. They are not paying commercial rates and are not subject to Council inspections for fire safety and compliance
- The proposed Code of Conduct is not a realistic approach. It can not be policed and implemented. The process to bring awareness to hosts and guests about their unruly behaviour and solve the problem of loss of amenity to the neighbours that way is flawed thinking.
- Owners of a property responsible to the noise/interruption to daily life of their neighbours should be held responsible by law when rented out to tourist or visitors. That way there is clarity for the authorities, neighbours, hosts and visitors.
- If people/hosts want to rent out their homes/properties on a commercial basis to tourists or visitors, ie more than twice, thrice a year, they need a DA and contribute to the community as has been decided on by the local council. If local councils feel there is no need for a DA than let them do that!
- Our town of Byron Bay and surrounds and our business are severely negatively impacted by unlicensed operators. A maximum 90 night limit should apply to Byron Bay's unlicensed tourism accommodation, but 60 days (or less!) would be much more preferable.
- We are not confident that the proposed reforms are realistic.

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 2:36 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

Submitted on Wed, 11/09/2019 - 14:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Wandy

Last name

Hochgrebe

Name withheld

No

Info

Email

wandy@planula.com.au

Suburb/Town & Postcode

Byron Bay 2481

Submission file

[submission-discussion-paper-stra.pdf](#)

Submission

Submission in response to the 'Short-term rental Accommodation - A new regulatory framework' Discussion Paper.

At present, STRA is regulated differently in different local government area (LGAs) across NSW.

It has to be understood that different councils also have different requirements. Small regional communities might be happy to have visitors come to their area and contribute to their economy in a responsible fashion and have no issues with buck's parties, weddings and schoolies.

However, some communities with a high influx of visitors on an ongoing basis might need a very different approach. Especially if there is already a thriving, licensed tourism accommodation industry present.

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Importantly, the rental pool is shrinking and exisiting rentable places are at a premium. Ironically, some people that do rent, sub-let their place and move in with relatives when they receive a booking.

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Neighbours of those residences used for unlicensed holiday accommodation - who thought they had

moved into a home in a residential street - suffer from sleep deprivation and stress as there is generally no host on-site. Council can't do anything as it is a residential house not a business, police might not always be able to deal with the noise issues long term. All they can do is visit and ask the visitors to turn it down. However, the next day with new people staying, the neighbours have to go through the whole process again. Hearing the people arrive, music starts but it is still early and then wait until it is past 10 pm.....

Byron Bay tried self-regulation by the Holiday Letting Organisation (HLO) who funded a Holiday Letting hotline. The idea was that a host would get three strikes and they could no longer operate. It doesn't work. The hotline recommends anybody who complains in the middle of the night to call council and report. Council, the next day, says to call the hotline or the police. The police has better things to do as their hands are tied anyway: every time it is a different person causing the noise, so no one can be held responsible. Neighbours give up and sometimes try to confront the perpetrators, resulting often in verbal abuse and revenge vomiting, vandalism and littering by the tourists who feel entitled to have the time of their life.

The next week those poor people seize up when they hear the roller bags coming down the drive way next door.

The proposed Code of Conduct for STRA sounds admirable, but to have an exclusion list for hosts and guests is not realistic.

As owners of licensed accommodation, we have seen a significant decline in viability of our business. Before we even open our doors we have a long list of costs to keep our license current and up to date. Unlicensed premises are able to charge a much lower fee without having all those costs and there is no GST they need to pay despite offering exactly the same service we do.

Surely, the government is missing out on an enormous amount of GST they can't collect.

The number of people staying has not increased, instead people expect to pay less. Our prices are back at what they were 15 years ago! We can't afford staff anymore, we had to let them go.

Many of our colleagues have left the industry, their business being considered worthless. Why get a DA if you will be restricted by the number of people that can stay, have to provide off road car parking, disabled access and pay extra to top it off?

As the unlicensed operators do not pay any contributions, do not have to pay for fire inspections once a year or increased council rates it is impossible to compete with the low prices these rogue operators can charge.

AirBnB uses the 'average' of incomes to show how little money is made by individuals, but they have not published the median or spread of money made. If one person can have 30 odd places and uses so-called 'super hosts' to manage them, you can't tell me that there is no money to be made.

Of the many, many listings in the Byron Shire there are 1331 listings for whole houses/apartment with only 359 landlords, which means that those hosts are not just your regular mum and dad trying to make an extra buck they are full blown commercial operators.

To suggest that these operators can operate 365 days a year is a ridiculous proposal. The

hosts/landlords know it is worth their while, why don't they go through the process of obtaining a license. They had their go at seeing if it works for them financially. They could even do a business plan!

Even if Byron Bay would get a 90 day limit it would be not workable for our community. This would still be 45 weekends. This would still be the whole month of January and then 2 more months.

And what does it mean 90 days? Can the property be available for 90 days in total or does it mean 90 nights booked? What if there is a cancellation of 4 days, can that place be re-booked for another 4 days at another time? Can they keep the cancellation fee? How will this be monitored? What about direct bookings? How would this work? How can you expect the on-line booking platforms to keep track on this and be honest about it if they make a 20% commission on each booking.

This does not provide any clarity at all!

It is understandable though as politicians - for example the Deputy Premier - have their own property listed as a holiday home as well.

The proposed framework states that un-hosted bookings of 21 or more consecutive days will not have to comply with the applicable day thresholds.

If a family comes for a 3 week holiday and rents a house, the owner can do two lots over summer and still have 90 days for the rest of the year?

This certainly offers a loophole. Someone can just rent out their property to someone else for 6 months and they can sub-let it on an overnight basis. How is this going to be policed?

The fact that unlicensed tourism accommodation is put under the banner short-term rental is terribly confusing.

The overall proposal seems to have the attitude of "It is all too hard to police, so we are just going to allow it and pretend there is a system in place". Meanwhile, our town is being taken over and no locals will be left. No staff available for restaurants, schools, the hospital, etc because they can't afford to live here.

It is a fact that a regulated industry is being de-regulated, all for the short-term benefit of realistically only a few and the on-line booking agents. This is no longer about home sharing or someone letting out their holiday home on a few occasions a year.

SUMMARY

- The proposal is that a regulated industry has been de-regulated and needs to be re-regulated, but is ridiculously unfair compared to the existing licensed businesses in that same industry
- Unlicensed tourist accommodation providers are not paying GST even though some of them supply overnight accommodation, breakfast, room service just like hotels, motels and B&Bs. They are not paying commercial rates and are not subject to Council inspections for fire safety and compliance
- The proposed Code of Conduct is not a realistic approach. It can not be policed and implemented. The process to bring awareness to hosts and guests about their unruly behaviour and solve the problem of loss of amenity to the neighbours that way is flawed thinking.
- Owners of a property responsible to the noise/interruption to daily life of their neighbours should be

held responsible by law when rented out to tourist or visitors. That way there is clarity for the authorities, neighbours, hosts and visitors.

- If people/hosts want to rent out their homes/properties on a commercial basis to tourists or visitors, ie more than twice, thrice a year, they need a DA and contribute to the community as has been decided on by the local council. If local councils feel there is no need for a DA than let them do that!
- Our town of Byron Bay and surrounds and our business are severely negatively impacted by unlicensed operators. A maximum 90 night limit should apply to Byron Bay's unlicensed tourism accommodation, but 60 days (or less!) would be much more preferable.
- We are not confident that the proposed reforms are realistic.

I agree to the above statement

Yes

From: Warren Bell <waz.bell@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:14 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

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...

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
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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.

Regards,
Warren Bell
10 Bundella Ave
Lake Cathie, Nsw 2445

From: Warren Kaiser <warren.kaiser@gmail.com>
Sent: Wednesday, 11 September 2019 2:22 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.

Regards,
Warren Kaiser
53 Richardson Rd
Narellan, Nsw 2567

From: Warren wood <wwood59@hotmail.com>
Sent: Wednesday, 11 September 2019 2:20 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.

Regards,
Warren wood
514 Jamberoo Mountain Rd
Jamberoo, Nsw 2533

From: Wattle Beach Cottage Beach House <wattlebeachcottage@gmail.com>
Sent: Thursday, 5 September 2019 11:02 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Our ref: A12/0147

September 16, 2019

Director, Housing and Infrastructure Policy
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001

Re: Submission to the Exhibition of the Short-term rental accommodation reforms

Dear Sir / Madam

We wish to thank the Department of Planning, Industry and Environment (DPIE) for inviting Council to make this submission to the exhibition of the *Short-term rental accommodation reforms*. This submission has not been considered or endorsed by Waverley Council and therefore represents the views of Council administration.

Background

In 2016, the *NSW Legislative Assembly Committee on Environment and Planning* conducted an inquiry into the adequacy of short-term holiday letting in New South Wales. The Committee's final report was published on 19 October 2016 and made 12 recommendations that applied a largely 'light-touch', laissez-faire approach to regulation including:

- allowing home sharing, and letting a principal place of residence for short-term accommodation, as exempt development,
- allowing empty houses to be let as exempt and complying development,
- strengthen owners' corporations' powers to manage and respond to STHL issues in strata properties, and
- commit to further investigating impacts from STHL on traditional accommodation operators, and opportunities to reform their regulation.

In contrast to the recommendations from the *Parliamentary Inquiry*, restrictive legislation was being implemented across major Northern European and American cities, such as London, Berlin, Amsterdam, Paris, Barcelona and New York.

The NSW Government responded to the report on 19 April 2017 indicating general support for the key recommendations, but indicated that more work was required before policy decisions were made.

Following this, Waverley Council made a submission to the Short-Term Holiday Letting Options Paper on 25 October 2017. From the Options Paper came the response that NSW wanted a more comprehensive statewide solution considering planning issues, strata regulations, the industry code of conduct and a registration system. This feedback led to the creation and exhibition of the Explanation of Intended Effects on which Waverley commented in November of 2018.

Throughout these submissions, Waverley Council has argued consistently for a reduced limit on the amount of days that a dwelling can be used for STRA. On 15 February 2019 Byron Shire Council was placed into the Ministerial Direction 3.7 *Reduction in non-hosted short term rental accommodation period* providing the Council the opportunity to create a Planning Proposal to reduce the limit to 90 days. Given Waverley's continual arguments made to lower the limit within the LGA to avoid STRA saturation, Council submitted a request to be added to Ministerial Direction 3.7 on 24 June 2019 (attached).

Overview of submission

The focus of this submission is on the impacts of the changes being made in the Short-Term Rental Accommodation regulatory framework.

This submission forms four parts:

1. Proposed Short term rental accommodation SEPP;
2. Proposed industry led STRA property register;
3. Compliance and code of conduct;
4. Further comments.

Proposed Short Term Rental Accommodation SEPP

Council supports the move to have STRA regulated by a State wide planning framework to ensure consistency and transparency between all Councils within NSW.

Council supports the inclusion of the exempt and complying approval pathway within the SEPP but continues to insist on a reduction of the days of the non-hosted period from 180 days to 60 days as the income generated through a limit of 180 days may obviate the need for long-term residential use the rest of the year. Furthering this point, Council supports the inclusion of the clause stating that bookings made for longer than 21 consecutive days do not count towards the yearly limit as this helps to promote longer staying residents who generally have a lesser impact on surrounding amenity and also promotes more sustainable residential options.

Council supports the changes to the safety requirements for STRA, which require any STRA on flood or bushfire prone land requiring complying development approval. Whilst Waverley is not directly impacted by bushfire prone land, Council does recognise the need for ensuring safety in other LGAs within NSW who are impacted. Council recognises the need for meeting safety standards for bushfire and flooding and as such agrees that lots proposing STRA on affected lands should be scrutinised by private certifiers at a minimum.

Council supports the inclusion of the proposed definitions within the SEPP. Council also supports the inclusion of the requirement for the SEPP to be reviewed once it has commenced. Council has raised the need for this in previous submissions as it ensures the legislation is flexible to change if needed and can operate in a way that can respond to any issues raised.

Proposed Industry Led STRA Property Register

Council welcomes the addition of the self-led property register as a means of enforcing compliance with the yearly limits on the amount of days properties can be used for STRA. This framework has been tested in London where Airbnb self-regulates the maximum number of days (90). In this system the platform removes dwellings once they reach their 90 day limit. Council raised this as a solution to enforcing this compliance in the previous submissions as it is nearly impossible for Councils to enforce compliance on individual providers of STRA.

Council also supports the use of an exclusion register to further enforce compliance. This will ensure that any properties or users breaching the code of conduct or standards set out in the legislation will be held accountable and will be made to face penalties. This will assist in ensuring the legislation is used as intended.

To be effective the industry operators, such as Airbnb or Stayz, would ultimately need to be culpable and subject to disciplinary action, such as fines or prohibition from government. Self-regulation without any recourse for punitive action against the host or the platform may reduce the effectiveness of self-regulation. It is also important to note that the register would need to apply across the platforms so that a banning from one platform such as Airbnb cannot simply be avoided by registering for another platform such as Stayz.

Before the changes are made to legislation, Council would like to view and make comment on the proposed register to understand how it will work and how it proposes to enforce compliance. Council would also like to understand more clearly what information will be displayed on the register and if it will be made public or live for interested residents to view.

Compliance and Code of Conduct

Self-regulation and maintaining compliance

Council welcomes the proposed Code of Conduct as it sets out in clear terms what is expected from the providers, hosts and STRA platforms. The code clearly describes the penalties for breaching the code and also outlines the process for logging complaints to be used for inclusion on the exclusion register. Council supports the proposed code of conduct that is being exhibited. The combination of the code of conduct and the exclusion register will both ensure that hosts, users and the STRA platforms will comply with the proposed legislation.

Further Comments

Data collection and industry reporting won't reveal the impact that STRA is having on affordability. Council therefore, still insists the NSW Government needs to commission detailed econometric modelling to properly investigate STRA's impact on affordability. As STRA undermines the opportunity for the hotel / motel hospitality industry within the LGA and thus potentially reduces jobs in the LGA, Waverley proposes that further investigation of a levy be placed on the use of the STRA that be redirected back into the economy of the LGA - similar to schemes in place in parts of Europe. Council suggests that this could form part of the review to be undertaken a year after the inception of the STRA.

The explanation of intended effects outlined that STRA would be permissible in all residential zones. Council notes that this hasn't been carried across to the proposed SEPP. As the STRA land use is not listed in any land use tables it doesn't appear as though there is any legislation

in place for development that can't meet the exempt or complying development criteria or that would want to operate in a means outside of the standards used to meet the exempt and complying criteria. Therefore, Council suggests that the Short-Term Rental Accommodation land use be added to the relevant land use tables so that a DA process may be undertaken for STRA that cannot meet the exempt or complying standards.

Finally, Council appreciates the format by which the discussion paper has been laid out. The flow of the document is clear and logical. The addition of a table outlining the changes from the previously exhibited documents is a welcome addition and should be used in future DPIE publications.

Thank you for your consideration of Waverley's submission. Should you require any additional information or explanation of the matters above, please do not hesitate to contact Tim Sneesby (Manager Strategic Planning) on 9083 8172.

Best regards,

A handwritten signature in black ink, appearing to be 'GB', followed by a horizontal line extending to the right.

George Bramis
Executive Manager, Urban Planning, Policy and Strategy
Waverley Council

From: Wayne Bland <twoaustinmer@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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 gives me essential retirement income plus I am providing much needed accommodation in a popular coastal town.

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.

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Thank you for reading my submission.

Regards,
Wayne Bland
2 Austinmer St
Austinmer, Nsw 2515

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 2:27 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

Submitted on Mon, 09/09/2019 - 14:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Wayne

Last name

Krygsman

Name withheld

No

Info

Email

kruggsy@gmail.com

Suburb/Town & Postcode

Willoughby

Submission file

[airbnb-submission-sept-2019.docx](#)

Submission

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

My wife and I have been hosting guests for nearly 7 years now. We make a single room available to guests in our 3 bedroom house, in a quiet suburban street, through listing it on the AirBnB website. It has during this time provided us with some financial security, but most of all it has given us the opportunity to meet with some wonderful and interesting individuals we would otherwise not have had the opportunity to know in our lifetimes.

Home sharing and hosting has been a part of our family for many years, even before AirBnB. In the 1990's we made available a single room in our home to many overseas students that primarily came to learn English at international schools in the Sydney CBD. Students varied from young foreign high school students, to mature aged married couples. We had the most wonderful experiences with them in the short time they stayed with us – generally 1-2 weeks. We also provided them with directions and guidance on what other places to see and visit here in NSW and interstate.

In 2013, we saw AirBnB as a direct extension of these experiences. As with students, our AirBnB guests come with glowing reviews and are fully verified by AirBnB and ourselves before we let them stay with us. Same applies to travelling and being guests ourselves. There is a total degree of 'trust' that flows both ways between host and guest. It is this 'trust' that bonds us and makes our experiences even more exciting and pleasurable.

This degree of 'trust' and verification does not exist in the Hotel Industry, or in similar accommodation providers such as Stayz or Bookings.com.

Our experiences using AirBnB have been varied and are widely different with each new guest. All have been pleasurable, and some have extended in to friendships, with many being return guests, all because of the fabulous experience they had in staying with us. Many ask us to visit us in their home town or country so they can reciprocate the experience.

AirBnB have provided us with a semi-structured, semi-formal, accommodation providing, income producing platform, that works for all parties be they hosts, guests, families or individuals. We think it works well for us and the many people we know and have met through AirBnB. We feel that the proposed legislation and its regulations have gone too far, and some are not necessary to maintain the already high quality of service we provide to our guests.

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.

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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 the AirBnB 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.

Wayne Krygsman

I agree to the above statement

Yes

From: Wayne Krygsman <kruggsy@gmail.com>
Sent: Wednesday, 11 September 2019 2:23 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.

My wife and I have been hosting guests for nearly 7 years now. We make a single room available to guests in our 3 bedroom house, in a quiet suburban street, through listing it on the AirBnB website. It has during this time provided us with some financial security, but most of all it has given us the opportunity to meet with some wonderful and interesting individuals we would otherwise not have had the opportunity to know in our lifetimes.

Home sharing and hosting has been a part of our family for many years, even before AirBnB. In the 1990's we made available a single room in our home to many overseas students that primarily came to learn English at international schools in the Sydney CBD. Students varied from young foreign high school students, to mature aged married couples. We had the most wonderful experiences with them in the short time they stayed with us – generally 1-2 weeks. We also provided them with directions and guidance on what other places to see and visit here in NSW and interstate.

In 2013, we saw AirBnB as a direct extension of these experiences. As with students, our AirBnB guests come with glowing reviews and are fully verified by AirBnB and ourselves before we let them stay with us. Same applies to travelling and being guests ourselves. There is a total degree of 'trust' that flows both ways between host and guest. It is this 'trust' that bonds us and makes our experiences even more exciting and pleasurable.

This degree of 'trust' and verification does not exist in the Hotel Industry, or in similar accommodation providers such as Stayz or Bookings.com.

Our experiences using AirBnB have been varied and are widely different with each new guest. All have been pleasurable, and some have extended in to friendships, with many being return guests, all because of the fabulous experience they had in staying with us. Many ask us to visit us in their home town or country so they can reciprocate the experience.

AirBnB have provided us with a semi-structured, semi-formal, accommodation providing, income producing platform, that works for all parties be they hosts, guests, families or individuals. We think it works well for us and the many people we know and have met through AirBnB. We feel that the proposed legislation and its regulations have gone too far, and some are not necessary to maintain the already high quality of service we provide to our guests.

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:

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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.

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Thank you for reading my submission.

Wayne and Margie Krygsman
(Super Hosts)

Regards,
Wayne Krygsman
48A Laurel St
Willoughby, Nsw 2068

From: Wayne STURLEY <ws2048t@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Sylvia submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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

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Thank you for reading my submission.

Regards,
Wayne STURLEY
41 Seagrass Ave
Vincentia, Nsw 2540

From: Wayne Taskis <waynetaskis@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, Dom submission, Air BNB run

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Thank you for reading my submission.

Regards,
Wayne Taskis
309 Macauley St
South Albury, Nsw 2640

From: Wendy & Andy Beverley <awbeverley@gmail.com>
Sent: Thursday, 5 September 2019 3:36 PM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

From: Wendy Carter <jshores2@yahoo.com.au>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Categories: emailed to DCS, David submissions, Air BNB run

Dear Director, Housing and Infrastructure Policy,

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Thank you for reading my submission.

Regards,
Wendy Carter
211 Sutherland St
Paddington, Nsw 2021

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 4:15 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

Categories: Purple category

Submitted on Wed, 21/08/2019 - 16:15

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Wendy

Last name

Greeneberg

Name withheld

No

Info

Email

wendy.JG@bigpond.com

Suburb/Town & Postcode

Byron Bay 2481

Submission

Short term holiday letting has/is strangling the very heart of Byron Bay. The unrestricted use of residential homes for holiday letting has decimated the number and the average rental for all forms of long term tenancies. In many areas there are almost no permanent residents, and those that are there must continually expect strangers moving in next door, more often than not in holiday/party mode.

The practice erodes the community nature of the town, making it impossible for neighbours to not only not know neighbour; but to form community safety bonds within residential areas.

90 days of STHL in a year is too long and should be reduced to a maximum of 30 days, and this only in premises where the owner is present (living) at the time of the holiday letting.

Policing of any restricted letting scheme is costly, and any cost should be borne by those landlords.

I propose that all short term holiday let premises and landlords be registered with the Byron Shire Council, who will then be given the power to levy annual fees from said landlord. These fees to be used to not only police the scheme; but also to help off set the substantial costs to Council (and therefore rate payers) generated by the numbers of non-residential visitors (additional waste, sewerage etc) to the Shire.

In line with the current proposal, landlords should be struck off the register for failure to manage their properties and visitors to agreed standards.

This practice has the potential (and in our case has already reached it) to remove vast amounts of desperately needed long term affordable rental accommodation from the local area. It encourages people to buy properties in Byron Bay for the sole purpose of STHL and no intention of living there. This is a financial business proposition that is not; but should be, treated and taxed as a business.

Please allow Byron Shire Council to control STHL for and on behalf of its rate payers.

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: wendy hardy <wendyhardy54@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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...

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Thank you for reading my submission.

Regards,
wendy hardy
77 Bay St
Patonga, Nsw 2256

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 9:49 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

Submitted on Thu, 05/09/2019 - 09:49

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Wendy

Last name

Larson

Name withheld

No

Info

Email

wendylarson@optusnet.com.au

Suburb/Town & Postcode

Bexley 2207

Submission

I disagree with the proposal to limit bedrooms to 2 persons. It is common for parents to wish a cot or toddler bed be placed in the master bedroom. Cots and toddler beds should be excluded from this limit.

Clarification on connected fire alarms in every bedroom where the host is present. For a standard size home the fire alarm going off near the kitchen when the toast is burnt in the morning can already be

clearly heard in all rooms and by the neighbours.

I agree to the above statement

Yes

From: Ministerial Services <MinisterialServices@customerservice.nsw.gov.au>
Sent: Tuesday, 17 September 2019 2:54 PM
To: DPE PS STHL Mailbox
Subject: Consultation submission
Attachments: 16092019160033-0001.pdf

Categories: Tessa Submissions

For info:

Ministerial correspondence received via Minister Anderson's office.

Regards
Wendy McKenzie

Wendy McKenzie
Senior Advisor, Ministerial Services
Office of the Secretary
Department of Customer Service
92-100 Donnison Street, Gosford
(02) 9219 3809 wendy.mckenzie@finance.nsw.gov.au

This email message and any attached files is confidential and intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this email in error, delete all copies and notify the sender.

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The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the DCS. DCS accepts no liability for any loss or damage arising from the use of this email and the recipient should check this email and any attached files for the presence of viruses.

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 6:49 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

Submitted on Wed, 14/08/2019 - 18:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Wendy

Last name

Meehan

Name withheld

No

Info

Email

meehan.beth@gmail.com

Suburb/Town & Postcode

Bogangar 2488

Submission

STHL are totally inappropriate in strata title apartment complexes. I live in a 20 unit complex, 2 of these units are AirBnB properties, the rest are all permanent residents. The guests in the AirBnB apartments

are often noisy and exceed the occupancy levels for the apartments. Total strangers have access to the underground car park, where we all store our vehicles and other items, leaving us vulnerable to damages and theft. It is very uncomfortable having strangers wandering around the complex, it is having a negative effect on my right to safe and peaceful enjoyment of my property. I am often approached by these strangers asking all sorts of questions about the STHL apartments and the complex, which I also object to. We chose to live here because it is quiet, not a party place full of holiday makers. If STHL is allowed to continue the complex will become a place more for holiday makers, forcing all the permanent residents out, some of whom have lived here for over 10 years.

I agree to the above statement

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From: Wendy Newbold <wmnewbold@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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.

Regards,
Wendy Newbold
10 Webb St
Croydon, Nsw 2132

From: Wendy Smith <biddiesmith@hotmail.com>
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To: DPE PS STHL Mailbox
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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:

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Thank you for reading my submission.

Regards,
Wendy Smith
7 Crystal Dr
Sapphire Beach, Nsw 2450

From: Wicket Hill <wickethillhouse@gmail.com>
Sent: Thursday, 5 September 2019 9:06 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Kind regards,
Kirsten

From: Will Edwards <will23-@outlook.com>
Sent: Wednesday, 11 September 2019 2:17 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

Dear Director, Housing and Infrastructure Policy,

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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.

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Thank you for reading my submission.

Regards,
Will Edwards
Rose St
Port Macquarie, Nsw 2444

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Regards,
Will Edwards
Rose St
Port Macquarie, Nsw 2444

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 10:21 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

Submitted on Wed, 11/09/2019 - 22:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

William

Last name

Gregor

Name withheld

No

Info

Email

bandg@ozemail.com.au

Suburb/Town & Postcode

Wagstaffe 2257

Submission

My partner and I are the owners of an apartment in a Class 2 (National Construction Codes of Australia) residential flat dwelling in the City Of Sydney. We have owned this apartment since 2002.

We also own a Class 1(a) (National Construction Codes of Australia) single family dwelling on the Central

Coast of NSW. We have owned this dwelling since 1990.

We use both dwellings for our own residential use, only occasionally renting out one or the other on a valid lease basis of at least 3 months or more.

We undertook all due diligence in purchasing these two residential dwellings; it was our clear understanding that short-term holiday letting was a 'prohibited use' at both locations. Indeed, the City of Sydney took action in 2015 in the NSW Land and Environment Court and obtained Orders which stopped a Short Term Rental Operation in our city apartment block.

Following the issuing of LEC Orders we experienced a period of peace and calm – for the first time since purchasing into the city property. Much to our distress, multiple Airbnb landlords are again renting out residential apartments in clear breach of our Development Consent and Court Orders, and the City of Sydney Council is now refusing all requests to take enforcement action against the illegal operators.

To alter the State Environmental Planning Policy [SEPP], as has been proposed by the Department of Planning and Environment, would amount to the retrospective rezoning of both our homes. And it would represent a clear breach of our proprietary rights without compensation. In fact the changes proposed would leave every NSW Resident without an area or building in which they could live in a residential setting.

We know too well the impacts on the home lives of residents who find themselves living amongst short-term holiday rentals and we ask that the Minister uphold our current legislation – which we deem to be 'world's best' - and mandate that all NSW Local Councils enforce residential zoning.

Considering the above proposed planning framework we make the following points :

* So much of what we read seems to point to the fact that the 'rights' of people like us are of no consequence. Its all about the 'industry', tourism, greed etc etc.

* We find ourselves so upset by what is happening, because of short term letting, in and to both communities in which we live that it is difficult to find the words to comment further. In that regard please refer to the submission from The Owners Corporation Network of Australia, all of which we agree with wholeheartedly.

Sincerely,
William Gregor

I agree to the above statement

Yes

From: William Li <bnbestatesydney@gmail.com>
Sent: Wednesday, 11 September 2019 2:21 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.

Regards,
William Li
351 Hume Hwy
Bankstown, Nsw 2200

From: William Mills <serenitynelsonbay@live.com.au>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
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Thank you for reading my submission.

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William Mills
11 Barracks Flat Dr
Karabar, Nsw 2620

STRA Code of Conduct & Registration Feedback

Topic	Question
Planning instruments	<p>1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?</p> <p>All dwellings –</p> <ul style="list-style-type: none"> • Agree no more than 2 persons per bedroom / 12 persons per property. • Agree to smoke alarms • Don't agree with lighting of hallway unless it is part of the smoke alarm itself – overkill <p>Multi unit –</p> <ul style="list-style-type: none"> • Agree but believe that all external doors for ALL properties should be openable without a key internally • Agree but believe that fire extinguishers & fire blanket in kitchen for ALL properties • Agree with evacuation signage <p>Standalone dwellings</p> <ul style="list-style-type: none"> • Agree with heat detector when garage is not accessible by guest and underneath the property
	<p>2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?</p> <p>No</p>
	<p>3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?</p> <p>Byron Shire Council (BSC) are proposing to reduce STRA to 90 days or less shire wide. BSC is required to prepare “a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area”, as per Ministerial Direction 3.7. They are putting forward via this submission process a request to reduce all holiday letting in Byron Shire to 180 days until such time as they prepare the planning proposal referenced above. They have not made any contact with any relevant parties in determining the impact that this will definitely have on the economy of the towns of the Shire. They are only focused on issues that are experienced in the town of Byron Bay, and not on the detrimental tourism & economic impacts on the other towns eg. Brunswick Heads, New Brighton, South Golden Beach, Bangalow, etc..</p> <p>We agree with the restriction not being imposed in the Byron Shire, except if deemed necessary in Byron Bay itself, which leaves the number of lettable days at 365 days per year.</p> <p>Due to council's negative view on STRA as a whole, we have concerns around council's involvement when determining a properties complying development eligibility.</p> <p>We agree in principal with the flood & fire safety requirements but need to determine the extent of the impact for our local area as we are surrounded by bush & the majority of the Northern Rivers is flood susceptible.</p>

Code: Industry participants' obligations	<p>4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?</p> <p>Yes</p> <p>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?</p> <p>The Secretary could ask for a copy of participants complaint registers to determine the type & extent of complaints experienced to date.</p> <p>Ours, for example, will show how little of a problem the North Byron Shire is experiencing.</p> <p>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?</p> <p>Yes in relation to guests, booking platforms & letting agents.</p> <p>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</p>
Code: Complaints	<p>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?</p> <p>No</p> <p>All complaints must go to the host / letting agent first in order to be given the opportunity 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.</p>
Code: Compliance and Enforcement	<p>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?</p> <p>Yes, in theory. However, we have concerns around what determines whether the complaint is legitimate. And how whether the expectations of a guest is realistic when viewing a property online, for example, as opposed to actually viewing the house in person. It is understood that a property can not be misrepresented but still at times a persons perception may differ from what is reality</p> <p>Another concern we have is if person A is on the exclusion register so they get person B to make the booking. When taking bookings we only enter 1 persons details, not all the parties that will be holidaying in the property.</p> <p>9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?</p> <p>All participants hold a registration number. These numbers are checkable on the register. This number will advise whether the participant is excluded without providing any personal information.</p> <p>10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>

Code: Penalty notice offences and civil penalties	<p>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?</p> <p>We find the penalties rather excessive. This is a holiday letting industry – it does not involve serious infractions like Trust Account fraud.</p>
Amendment Regulation: Prescribed classes of STRA industry participant	<p>12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?</p> <p>Yes</p> <p>13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?</p> <p>None</p>
Amendment Regulation: STRA industry participants excluded from Code of Conduct	<p>14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?</p> <p>Yes</p> <p>15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?</p> <p>None</p>
Amendment Regulation: Appeals against listing on exclusion register	<p>16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?</p> <p>Yes</p>
Amendment Regulation: Fees and cost recovery	<p>17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?</p> <p>The Guest</p> <p>18. How should costs be apportioned across different STRA industry participants? Why?</p> <p>Registration Fee – for Guest to register</p> <p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
Amendment Regulation: Penalties	<p>19. Is the proposed penalty notice offence amount appropriate? Why or why not?</p> <p>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</p>
Proposed industry-led property register	<p>20. How can industry be organised to develop and manage the registration system?</p> <p>Through a STRA committee of relevant parties eg. Those listed on Appendix 2</p> <p>Those that should not be part of the STRA committee include local council members.</p> <p>21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?</p> <p>Registration Fee – for Guest to register</p>

<p>Registration Fee – for property to register</p> <p>Administration Fee – per booking, per property paid for by Guest</p>
<p>22. What role should the Government play in developing or overseeing the register, if any?</p> <p>They should have a State Govt representative in the STRA committee mentioned in question 20 above</p>
<p>23. Are there other outcomes a register should deliver?</p> <p>No</p>
<p>24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?</p> <p>Determined by the STRA Committee</p>
<p>25. What audit and verification processes would be needed to ensure accuracy of data?</p> <p>Determined by the STRA Committee</p>

<p>26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?</p> <p>No, covered in penalties above</p>
<p>27. What information should the register collect? Why?</p> <p>Agree – name & contact details of host</p> <p>Agree – address of property</p> <p>Do not agree – it should be number of days the property is actually stayed in – bookings can be cancelled.</p> <p>Do not agree – that should already have been determined regarding strata compliance, by laws & STRA</p> <p>Agree – but breach information should not be viewable by general public; only whether they are excluded or not</p> <p>Also on the register should be Guest name & contact details</p>
<p>28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?</p> <p>None – only once place / site to register</p>
<p>29. What role should Government play in the registration process or providing information for the register?</p> <p>None</p>
<p>30. Should any information on the register be made publicly available? If so, what information could be made available and why?</p> <p>Only whether a participant is excluded or not</p>
<p>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?</p> <p>Not directly. They can refer to the register</p>

	<p>32. Should any information on the register be made publicly available? Why?</p> <p>Same question as 30</p>
Commencement of regulatory framework	<p>33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.</p> <p>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.</p> <p>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.</p> <p>34. When should the STRA regulatory framework start? Please provide reasons.</p> <p>Refer question 33</p>
12-month review of regulatory framework	<p>35. Do you support the proposed scope of the review? What additional considerations might be necessary?</p> <p>Yes</p> <p>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?</p> <p>Voluntary submissions from participants & / or surveys issued to registered participants.</p>

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 1:11 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

Submitted on Wed, 11/09/2019 - 13:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

William

Last name

O'Keeffe

Name withheld

No

Info

Email

william@harlenokeeffe.com

Suburb/Town & Postcode

Brisbane

Submission file

[stra-code-of-conduct-and-registration-feedback.pdf](#)

Submission

See attached PDF

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 4:41 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

Submitted on Wed, 11/09/2019 - 04:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

William

Last name

Payne

Name withheld

No

Info

Email

billpayne56@gmail.com

Suburb/Town & Postcode

Suffolk park 2481

Submission

Short term holiday letting industry has become a grossly negative impact on small towns like Byron Bay.

The negative impacts have been studied and are now well understood in small towns where tourist numbers are large compared to permanent resident numbers.

The provision of more and more tourists beds across residential zoned precincts forces up real estate prices causing housing shortages for people who would otherwise live here. Otherwise quiet village streets and community spaces become party venues and car parking stations.

In short the town becomes an investment vehicle and not a town. Those making money from the business do not contribute a commensurate amount to the town. They only pay residential rates.

Worse than this is the destruction of community for outsiders profit.

The impact on larger towns can be significantly less. It depends on the ratio of short term rental visitors to permanent residents.

It should be clear that there is no one size fits all solution to the short term rental proposition. Imposing criteria that might work in Sydney to what is appropriate in Byron bay isn't good planning.

Historically short term rentals have successfully worked for the Christmas and Easter periods and this should be the limit of any informal short term holiday letting. This would equate to less than 50 days a year short term rental.

I'll have little faith in industry self regulation. The failures in other industries to self regulate should provide sufficient argument to maintain a government watchdog on any regulations.

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: Thursday, 5 September 2019 11:43 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 Thu, 05/09/2019 - 11:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

William

Last name

PIDDING

Name withheld

No

Info

Email

wspidding@hotmail.com

Suburb/Town & Postcode

McMahons Point 2060

Submission

As an long term owner and occupier of an apartment of Sydney's lower north shore, I would like to

strongly voice my opposition to all short-term rentals.

There are a myriad of problems with short term rentals, such as disruption of the ambience and enjoyment of neighbouring properties and lifestyles, security, fire risk, rubbish, damage, theft, etc., etc.

In fact most buildings are not designed for short term rentals and therefore should not be available for this purpose.

Would you please take this submission into account in all decision-making concerning short term rentals.

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: Thursday, 5 September 2019 11:43 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 Thu, 05/09/2019 - 11:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

William

Last name

PIDDING

Name withheld

No

Info

Email

wspidding@hotmail.com

Suburb/Town & Postcode

McMahons Point 2060

Submission

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In fact most buildings are not designed for short term rentals and therefore should not be available for this purpose.

Would you please take this submission into account in all decision-making concerning short term rentals.

I agree to the above statement

Yes

From: William van de Pavert <vande.pavert@outlook.com>
Sent: Wednesday, 11 September 2019 2:17 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...

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.

Regards,
William van de Pavert
810 Lawrence Hargrave Dr
Coledale, Nsw 2515

SUBMISSION

Regarding Short-Term Rental Accommodation and the supporting regulatory framework, August 2019



FOREWORD

Willoughby City Council appreciates the further opportunity to provide comments on Short-Term Rental Accommodation and the supporting regulatory framework, August 2019.

Debra Just
General Manager
September 2019

1. General

a) Comments

- i. The NSW Government has organised consultation over a number of years on Short-Term Rental Accommodation (STRA) and the like.
- ii. Willoughby Council made a submission in July 2017 during previous consultation on the Options Paper regarding what was then termed Short-Term Holiday Letting (STHL), which is now termed STRA.
- iii. As noted in the Willoughby Council submission in 2017, STRA has become increasingly apparent in Willoughby as it has in other parts of Sydney and NSW.
- iv. It is recognized that there are both potential benefits and adverse impacts associated with the provision of STRA.
- v. The growth of STRA has outpaced regulation, resulting in a lack of a policy framework at the local and state levels around how to manage STRA.
- vi. The Department of Planning Industry and Environment is now seeking feedback on draft instruments and regulations that are intended to introduce a NSW planning framework for STRA, and includes:
 - *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019.*
 - *Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* and the accompanying 'Short-term rental Accommodation Fire Safety Standard'.
 - *A draft Code of Conduct and a Draft fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019.*
- vii. The exhibition period is from 14 August to 11 September 2019, and is accompanied by a Discussion Paper, *Short-term Rental Accommodation 'A New Regulatory Framework'*, August 2019.

b) Recommendations

- i. ~~The progression of the NSW Government in moving towards establishing~~Establishment of a standardized approach ~~to~~ and regulatory framework regarding STRA is supported.
- ii. The position of the NSW Government that short-term rental accommodation (STRA) is acceptable

in a residence is recognized, however:

- STRA should not represent a more intensive commercial type of use (For example tourist and visitor accommodation as defined in the *Standard Instrument - Principal Local Environmental Plan*).
 - STRA should not adversely impact ~~on~~-neighbouring properties or the community in general.
- iii. The NSW Government clarification in 2018 that strata schemes can adopt a by-law that prohibits STRA where a lot is not a host's principal place of residence is noted. Any such by-law will need to be adopted by special resolution of the Body Corporate, with 75 per cent of votes supporting the proposal at a general meeting.

2. **Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019**

a) General

- i. The proposed *draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019* (*draft STRA SEPP*) contains the following:
- Delayed commencement to provide a suitable transition period (Clause 2).
 - Clarification of policy aims, managing impacts, providing for guest safety and clarifying the types of residential accommodation where STRA can take place (Clause 3).
 - New definitions (Clause 4) including:
 - Hosted STRA “means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation.”
 - Non-hosted STRAs “means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation.”
 - “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”
 - Repealing existing STRA provisions in local planning instruments (Clause 5).
 - Requiring the *draft STRA SEPP* to be reviewed 1 year after commencement (Clause 8).
 - New ‘exempt’ and ‘complying’ approval pathways that enable STRA within day limits:
 - Where the host is present, STRA is ‘exempt development’ for 365 days per calendar year (Clause 11).
 - Where the host is not present, and the site is not on bushfire prone land or a flood control lot, STRA is ‘exempt development’ for:
 - 180 days in Greater Sydney (Clause 12)

- Where the host is not present, and the site is on bushfire prone land or a flood control lot, STRA is 'complying development' for:
 - 180 days in Greater Sydney (Clause 13)
- Where the host is not present, and the booking is for 21 or more consecutive days, the booking will not count towards the above day thresholds. This applies to both 'exempt' and 'complying' (Clause 12 (2) and 13 (2)).
- STRA on flood control lots is proposed to be complying development when the host is not present, including meeting standards relating to certification ~~that the land is not high risk and access and refuge is provided(2).~~
- In addition to being complying development, STRA on bushfire prone land will be required to meet additional standards relating to access to roads, evacuation plans and fire hydrants.

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b) Comments

- i. Currently the issue of STRAs is not adequately addressed in either *Willoughby Local Environmental Plan 2012* or NSW Government legislation.
- ii. Based on this situation, there has been difficulty in considering STRAs within *Willoughby Local Environmental Plan 2012* or NSW Government legislation, for the purposes of determining what is permissible, what is prohibited and managing impacts.
- iii. Council generally supports the regulatory framework provided in the *draft STRA SEPP*, subject to the point below.
- iv. Regarding bookings for 21 days or longer not counting ~~to in~~ the 180 day thresholds, the Discussion Paper provides the justification that longer term bookings may have fewer amenity impacts and may support a mobile workforce. However, if this was permitted, then it is possible for a non-hosted STRA to be exempt development for 365 days per calendar year (same as a hosted STRA). Concern exists as follows:
 - The importance of the 'exempt' and 'complying' 180 day threshold is undermined and will prevent the extent of un-hosted STRA being monitored and measured (it is uncertain whether a new category and level of complexity is being created).
 - It is considered that the number of days per year that a property be used as ~~STHL STRA~~ must be limited as the primary purpose of a residential property should be full time residential use. There is a potential for ~~STHL STRA~~ to displace normal occupation, which is contrary to the objectives of the *Willoughby Housing Strategy* and good planning practice.
 - Affordable housing availability within Willoughby remains an ongoing major issue for ~~Willoughby Council and in particular:-~~
 - ~~While, there~~ there is concern that this will place further pressure on affordable housing options within Willoughby, with ~~particular special~~ regard to essential services workers who already find living within the area economically challenging.
 - A STRA un-hosted limitation of 180 days is favoured as it would ensure availability of minimum 6 month lease period in a calendar year– which would be generally more affordable than a STRA long term lease. The 180 day threshold permits a continuous booking by one user if required.
- v. It is noted that breaches of the planning framework could trigger disciplinary action under the Code of Conduct – this is discussed under Point 4 below.

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c) Recommendation

- i. The planning framework proposed for STRA, intended to permit appropriate activity while at the same time managing impacts, is generally supported subject to the point below.
- ii. Where the host is not present, all days should be counted in determining the 180 day threshold for 'exempt' and 'complying' STRA in Greater Sydney.

3. Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019 and the accompanying 'Short-term rental Accommodation Fire Safety Standard'.

a) General

- i. The *draft STRA SEPP* is supported by amendments to the *Environmental Planning and Assessment Regulation 2000*. The amendment will provide for visitor safety, by requiring dwellings used for STRA to meet new safety standards. These standards are detailed in the '*Short-term Rental Accommodation Fire Safety Standard*'.
- ii. Unchanged from previous consultation in 2018, the safety requirements for all dwellings are:
 - No more than 2 persons/bedroom or 12 persons, whichever is the lesser.
 - Installation of smoke alarms in each bedroom, and the smoke alarms are interconnected where there is more than one alarm.
 - Installation of a lighting system in hallways that is activated by the smoke alarm system.
- iii. Unchanged from previous consultation in 2018, the safety requirements for dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings) are:
 - Entry doors should be openable from inside the dwelling without a key.
 - Installation of a self-closing device and smoke seals to all edges of the door, if the door opens onto a shared corridor and entrance doorway.
 - Installation of a fire extinguisher and fire blanket in the kitchen.
 - Making an Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system.
- iv. Unchanged from previous consultation in 2018, the safety requirements for standalone dwellings only (Class 1a buildings) are:
 - Installation of heat alarms in single dwellings which are located above a garage. This would be required only where the garage is not accessible to the guest/s.

b) Comments

- i. It is ~~understood~~acknowledged that an appropriate balance needs to be found between visitor safety and excessive costs to STRA providers, in order for STRA to be ~~encouraged~~feasible to providers~~ble(2)~~.

c) Recommendation

- i. The above requirements which address visitor safety by providing appropriate new safety standards are supported.
- ii. Safety standards in STRA are to be appropriately maintained. This process, and any required checking mechanisms, are to be satisfactorily outlined.

4. Draft Code of Conduct and supporting Amendment Regulation

a) General

- i. The *draft Code of Conduct* (the Code) is to be declared in the *draft Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019* ~~to take effect~~.

- ii. It is noted that the objectives of the Code are to:
 - Set out the rights and obligations of STRA participants.
 - Provide for resolution of disputes and complaints concerning STRA participants.
 - Outline the compliance and enforcement approach that applies for contraventions of the Code.
 - Facilitate the oversight of the STRA industry.
- iii. Under the Code, the Hosts' specific obligations relate to:
 - Representing their STRA property accurately to guests.
 - Holding an appropriate level of public liability insurance.
 - Providing guests with appropriate contact information for the host or other emergency service providers.
 - Providing neighbours, including an owners corporation where relevant, with information such as the host's contact details.
 - Complying with any restrictions on participating in the STRA industry imposed on them due to listings on the exclusion register.
- iv. Section 54B(2) of the Act provides that the Code may, among other things:
 - (d) Provide for warnings to be given to short-term rental accommodation industry participants who contravene the code.
 - (g) Authorise the keeping of a register (the exclusion register) containing the details of short term rental accommodation industry participants who have failed to comply with the code.
 - (h) Regulate or restrict access to the exclusion register.
 - (i) Prohibit or restrict persons whose details are listed on the exclusion register from entering into, or participating in, short-term rental accommodation arrangements.

b) Comments

- i. It is noted that complaints made under the *Code of Conduct* are referred to councils to investigate.
- ii. Council supports the establishment of a framework that allows for complaint investigation and subsequent action where required.
- iii. Concern exists with compliance responsibility being placed on Council without corresponding economic resource provision. Council has limited resources and it is considered that additional resourcing will be required to ensure the successful enactment of the new STRA regulatory framework.
- iv. The establishment of an exclusion register and penalty notice offences under the Code are supported.

c) Recommendations

- i. The introduction of this new system by the NSW Government should be accompanied by appropriate funding to local councils.
- ii. The linking of the exclusion register to the property register is supported, to ensure information does not conflict.

5. Proposed Industry led STRA property register

a) General

- i. The NSW Government is considering the introduction of a mandatory STRA registration system as part of the new regulatory framework.

b) Comments:

- i. The provision of a register is supported based on the following outcomes:
 - Strengthen responses to complaints about STRA as information would be available on which properties are used for STRA and the number of days properties are let.
 - An integration of the STRA regulatory framework, by consolidating data and assisting checking of compliance with Council regulations and exclusion register status.
 - It would assist NSW Fair Trading to administer the Code of Conduct.
 - Over the 12 month review, it would assist with monitoring the STRA regulatory framework and provide key data.
- ii. Council is concerned that any further regulatory responsibilities must not be placed on local government without adequate resourcing and as such an annual registration fee should be applied the proceeds from which are provided to the relevant Council.
- iii. It is considered that hosted and un-hosted STRAs be listed on the STRA property register, to provide a comprehensive STRA record that will provide a database to assist Councils enforce STRA policy.

c) Recommendations

- i. Council agrees that the STRA industry is best placed to fund, develop and administer the STRA property register subject to:
 - All properties used for STRA being individually identified.
 - This approach ensuring that only registered properties are made available as STRA.
 - The register acting as an up-to-date accurate and accessible source of data on STRA premises in NSW.
- ii. The registration system should be established in a manner that makes hosts aware of Owners Corporation by-laws where applicable and encourage compliance.
- iii. In regards the issue of access to the information on the register, it is considered:
 - That government authorities such as NSW Fair Trading and local Councils, as well as STRA booking platforms, should have access to the register to facilitate compliance with the regulatory framework.
 - It is considered that the community should be able to check the register to confirm whether properties being used for STRA are registered or excluded. However it is understood that more detailed information may not be appropriate to protect privacy.

6. Other issues

a) General

- i. It is noted that feedback is sought on when the STRA regulatory framework would come into force.
- ii. The NSW Government has committed to review the STRA regulatory framework after 12 months.

b) Comment

- i. It is considered that the establishment of all elements of this framework should be carried out in a carefully considered ~~w~~holistic manner and at the same time, in order to minimise confusion and establish trust in the new system within the community.
- ii. It is considered that a review of the STRA regulatory framework after 12 months should occur for a comprehensive assessment of the new system to occur and any changes ~~be~~ considered to address outstanding issues.

c) Recommendations

- i. All elements of the STRA regulatory framework should commence at the same time.
- ii. The NSW Government commitment to review the STRA regulatory framework after 12 months is supported.

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 5:33 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

Submitted on Tue, 10/09/2019 - 17:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Willoughby Council

Last name

Willoughby Council

Name withheld

No

Info

Email

Craig.Obrien@Willoughby.nsw.gov.au

Suburb/Town & Postcode

Chatswood

Submission file

[nsw-tracks-submission-2019---short-term-holiday-lettingfinal2.docx](#)

Submission

To whom it may concern
Please find attached the submission from Willoughby Council.

Regards

Craig O'Brien
Strategic Planner
Willoughby Council

I agree to the above statement
Yes

Submission to

NSW Government

Short Term Rental Accommodation Policy Framework

(published August 2019)



Version 2 - for Lodgement
File reference: 1823, 1930/6

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T. (02) 4868 0888 E. mail@wsc.nsw.gov.au

www.wsc.nsw.gov.au

Introduction

Wingecarribee Shire Council appreciates the opportunity make a submission to the State Government's draft regulatory framework for short term rental accommodation (STRA) in NSW.

It is estimated that there are over 750 STRA properties across the Wingecarribee Shire. They play an important role in providing tourist and visitor accommodation and positively contribute to our visitor economy. Council recognises the positive economic and social contribution STRA properties can make. However, Council is also aware that such properties can cause significant concern to neighbours and communities, and both real and perceived conflicts due to over population of the accommodation and/or the poor behaviour of guests. These concerns can be exacerbated in strata developments where noise and poor behaviour can be more directly felt by neighbours through adjoining walls and can result in damage to common property.

Therefore, Council agrees with the State Government's priority to achieve a balance between preserving the benefits of STRA properties within the tourism industry and the need to ensure that any adverse impacts on neighbours and communities are minimised and preferably avoided.

Draft Regulatory Framework

The draft regulatory framework is considered a positive step in the right direction in providing certainty to the STRA industry, while better managing the real and perceived negative impacts of STRA on local communities. However, Council has major concerns about the practicality and implementation of the mandatory Code of Conduct and industry-led STRA Register.

Council is concerned that the Department of Fair Trading is insufficiently resourced to manage the complaints, compliance and enforcement of the Code, and that the burden will ultimately fall back on Council to manage.

Council Recommendations

To assist with the implementation of the Code, Council makes the following recommendations

- 1. The Department of Fair Trading be sufficiently resourced to manage complaints in an effective and timely manner, including in regional areas.**

Wingecarribee Shire Council receives a significant amount of complaints about STRA properties, particularly in relation to noise and amenity impacts, and our community expect their concerns to be addressed in a timely manner. Council is concerned that the Department of Fair Trading will be insufficiently resourced to deal with these sorts of complaints across the State; and that the community will ultimately expect local Councils (who have no authority under the Code) to manage their complaints.

If the Department of Fair Trading is not sufficiently resourced to manage complaints and compliance, then the proposed Code of Conduct is unlikely to be effective in managing the impacts of STRA on local communities.

- 2. The Department of Fair Trading undertake a community education process, to ensure the broader community understands the complaint handling process for STRA**

As outlined above, local communities will continue to expect Councils to handle complaints on STRA properties. This is likely to lead to frustration in the community, an unnecessary burden on Councils, and ineffective management of the Code of Conduct complaint / compliance process.

It is recommended that the Department of Fair Trading undertake a community education process, to ensure that the broader community is aware of and understands the complaint handling process for STRA.

3. The Department of Fair Trading ensures that the proposed regulatory framework does not increase the burden on Councils to deal with and manage the impacts of STRA

As outlined above, Council has concerns about the practicality and implementation of the Code of Conduct. It is anticipated that local communities will continue to expect Councils to handle complaints on STRA properties, despite Council having no authority to enforce compliance with the Code. This is likely to lead to frustration in the community, an unnecessary burden on Councils, and ineffective management of the Code of Conduct complaint / compliance process.

Further, Council is concerned that the Department of Fair Trading will be insufficiently resourced to deal with complaints on STRA properties, and the burden will ultimately fall back to Council to manage. It is recommended that the NSW Government take the necessary steps to ensure that the proposed regulatory framework does not increase the burden on Councils to deal with and manage the impacts of STRA properties.

4. The Code of Conduct be amended to require industry hosts to provide a STRA complaint protocol to adjoining land owners, which outlines the process for making complaints to the Department of Fair Trading

Council notes that the Code requires that contact details be provided to adjoining owners. Council also requests that signage be placed on the front of the property viewable by the general public, identifying and providing contact details for the relevant authority for compliance issues or complaints, being Department of Fair Trading and not Council.

It is also recommended that industry hosts be provided with a STRA complaint protocol which outlines the process for making complaints to the Department of Fair Trading. This will ensure that affected landowners are aware of and understand the process for making a complaint about a STRA property.

Industry-led STRA Register

While Council supports the concept of a mandatory STRA Register, there is insufficient detail to understand if and how the proposed register will be managed and maintained. Wingecarribee Shire Council currently has an optional register for STRA properties within the Shire, and only 75 of the estimated 750 STRA properties are currently on the register. This highlights the likely challenges associated with keeping an accurate STRA register.

STRA Definitions

The draft regulatory framework provides new definitions for 'hosted' and 'non-hosted' STRA. However, it is somewhat unclear what is meant by 'resides on the premises' for the purpose of determining whether a STRA property is hosted or non-hosted.

If a host resides in a primary dwelling, and rents out the secondary dwelling for STRA, is this considered to be hosted, or non-hosted? It is recommended that the further detail be provided in relation to the definition of hosted and non-hosted STRA.

Flood Control Lots

Under the draft regulatory framework, STRA on a 'flood control lot' cannot be undertaken as exempt development. A planning certificate under section 10.7 of the Act issued by a Council will state whether or not a lot is a flood control lot.

Council agrees that STRA should not be undertaken in a flood liable area. However, Wingecarribee Council, like many others, nominate all land as a 'flood control lot' on a section 10.7 Certificate, unless Council has done a flood study that demonstrates that the land is not within the flood planning area. Therefore, the majority of land within the Wingecarribee Shire is nominated as a flood control lot, irrespective of whether the land is impacted by flooding.

The use of the 'flood control lot' definition to determine the approval pathway for STRA will significantly restrict the exempt development pathway for STRA in Wingecarribee. It is recommended that the NSW Government explore alternate options to determine the STRA approval pathway that appropriately manages hazards such as flooding, but does not unnecessarily restrict the exempt development pathway for STRA in areas not impacted by flooding.

Conclusion

Council agrees with the State Government's priority to achieve a balance between preserving the benefits of STHR properties within the tourism industry and the need to ensure that any adverse impacts on neighbours and communities are minimised and preferably avoided.

The draft regulatory framework is considered a positive step in the right direction in providing certainty to the STRA industry, while better managing the real and perceived negative impacts of STRA on local communities. However, Council has major concerns about the practicality and implementation of the mandatory Code of Conduct and industry-led STRA Register.

Council is concerned that the Department of Fair Trading is insufficiently resourced to manage the complaints, compliance and enforcement of the Code, and that the burden will ultimately fall back on Council to manage.

Council appreciates the opportunity to make this submission. If you require any additional information in this regard, or would like to discuss the matter further, please contact Michael Park, Coordinator Strategic Land Use Planning, on (02) 4868 0830 or via email michael.park@wsc.nsw.gov.au.

Yours sincerely



Mark Pepping
Deputy General Manager
Corporate Strategy & Development

From: Susan Stannard <Susan.Stannard@wsc.nsw.gov.au>
Sent: Thursday, 26 September 2019 2:13 PM
To: DPE PS STHL Mailbox
Subject: Submission from Wingecarribee Shire Council
Attachments: WSC STHL SUBMISSION FINAL.pdf

Please find attached Council's submission to the recent exhibition of the short term rental accommodation policy framework.

At its Ordinary Meeting of Council of 25 September 2019 Council resolved as follows:

MN 458/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr P W Nelson

- 1. THAT Council endorse a submission (Attachment 1) to be sent to the Department of Planning, Industry and Environment in relation to the proposed Short Term Rental Accommodation regulatory framework; and**
- 2. THAT Council not seek to limit the amount of days an un-hosted Short Term Rental Accommodation activity can occur in the Wingecarribee Shire.**
- 3. THAT signage indicating the relevant authority of compliance issues or complaints be placed on the front of the property viewable by the general public.**

PASSED

The attached submission included the resolution at 3 above.

With regards

Susan Stannard Senior Strategic Land Use Planner

Wingecarribee Shire Council

e. susan.stannard@wsc.nsw.gov.au

t. **(02) 4868 0854**

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Disclaimer: This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please notify the sender and delete the message. Views expressed in this message are those of the individual sender and are not necessarily the views of Wingecarribee Shire Council. This email may be made available to third parties in accordance with the Government Information (Public Access) Act 2009.

From: Xi Li <nicolelee1983@msn.com>
Sent: Wednesday, 11 September 2019 2:22 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...

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.

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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.

Regards,
Xi Li
7 Potter St
Waterloo, Nsw 2017

From: Yael Cohen <cohenyael56@gmail.com>
Sent: Wednesday, 11 September 2019 2:19 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Yael Cohen
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Lindfield, Nsw 2070

From: yann dhulst <yann.dhulst@gmail.com>
Sent: Wednesday, 11 September 2019 2:15 PM
To: DPE PS STHL Mailbox
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Regards,
yann dhulst
106 Curlewis St
Bondi Beach, Nsw 2026

From: YASMIN LANG <yasmin@universal-heart.com>
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,

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I host on Airbnb because I enjoy sharing my home whether it is for English language students, friends and extended family we offer a service to our community by being a local and sharing our home that makes it more affordable for travellers, students and course trainees and young over seas students/ backpackers look for a safe family home

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Thank you for reading my submission.

Warmest

Regards,
YASMIN LANG
1 Belongil Cres
Byron Bay, Nsw 2481

Have Your Say on Short Term Rental Accommodation Reforms: Submission of Strata Plan No. 68575, 9 Grandstand Parade, Zetland, NSW 2017

Contact Person: Yee Wah Choong
Email: yeeewah333@hotmail.com

While an owners corporation is not an industry participant, it is widely acknowledged that short term rental accommodation can impact negatively on occupants of strata schemes - especially in those schemes which are wholly residential and have been so for many years.

As an owners corporation, our comments are focused mainly on the Code of Conduct in regards to:

- (a) the obligations of a host who engages in short term rental accommodation in a strata scheme;
- (b) the obligations of a guest who uses such accommodation; and
- (c) whether the obligations of a host or guest as set out in the Code are fair and reasonable when considering the safety, security, privacy and rights of other occupants in a strata scheme and also the common property of the strata scheme.

We have also made comments on

- (a) Section 137A of the Strata Schemes Management Act 2015;
- (b) Review of further amendments; and
- (c) Time for submission

Our comments on the Code of Conduct are as follows:

Hosts

1. Section 5.4.1 Hosts to act lawfully

Section 5.4.1 should be amended to specify that a host is required to comply with the Short-Term Rental Accommodation Fire Safety Standard and at the host's cost.

The Fire Safety Standard does not specify who must comply with its terms and at whose costs. By implication, the host must do so.

Section 5.4.1 of the Code requires a host to comply with planning laws. However, the definition of planning laws in Section 3 makes no specific reference to the Fire Safety Standard. Again, by implication, the planning laws would include the Fire Safety Standard.

Compliance with the Fire Safety Standard is essential for the letting of premises for short-term rental accommodation. As such, it is important to draw a host's attention to this requirement. This may be done by expressly including compliance of the Fire Safety Standard as an obligation of the host in section 5.4.1.

This amendment would avoid any argument between a host and the owners corporation as to who is responsible for any upgrade in the current fire safety standards to meet the enhanced Fire Safety Standard.

It is unfair and unreasonable to expect other occupants in a strata scheme to pay for these upgrades as these occupants derive no benefit while a host benefits financially from carrying on a commercial enterprise on the host's premises.

2. Section 5.4.3 Obligations to guests and others – public liability cover for third parties

The public liability insurance cover in section 5.4.3 should be extended to cover third parties who suffer injury, death or damage to their property as a result of a host carrying out a commercial enterprise on the host's premises

As drafted, the host is only required to obtain public liability insurance to cover:

- (a) the death or injury of a guest or visitor on the premises; and
- (b) damage to or loss of a guest's or visitor's property on the premises.

The current draft is unfair and unreasonable as the required public liability insurance does not cover other occupants and visitors in other premises of the strata scheme. It also does not cover those who may happen to be on common property when the incident occurs.

A guest may cause a fire in the host's premises which spreads to other premises or areas which are common property. The fire could cause injury or death to other occupants or visitors. The fire may damage their property. These occupants and visitors are not covered by the host's public liability insurance (as currently drafted) as they are not "guests or visitors on the premises".

Guests are transient and often disappear as soon as trouble strikes. A third party has limited or no recourse to a defaulting guest.

As such, a host's public liability insurance should be widened to cover third parties who suffer injury, death or damage to their property as a result of the host carrying out a commercial enterprise on the host's premises.

3. Section 5.4.3 Obligations to guests and others – minimum cover for public liability

Section 5.4.3 should provide for a minimum cover for public liability insurance or provide a guide on the amount of cover required.

Section 5.4.3 does not specify a minimum cover for public liability insurance nor does it provide an indication on the adequacy of the public liability insurance cover.

This is unsatisfactory as it may lead to underinsuring by hosts.

The Code should ensure that there is adequate insurance cover to compensate third parties who suffer death, injury or damage to their property.

4. Section 5.4.7 Information for guests

Section 5.4.7 should be amended to require a host:

- (a) to provide guests with a copy of the Code and any by-laws applicable to the guest; and**
- (b) to request that the guests familiarise themselves with the contents of the Code and the by-laws and to abide by them.**

Section 5.4.7, as drafted, requires a host to provide a guest with “ready access” to the Code and any by-laws that applicable to the guest.

It is unclear what “ready access” means in this case. If a host requests that a guest obtains a copy of the Code and by-laws from the building manager, does this satisfy the “ready access” test? The current drafting gives room for argument as to what constitutes “ready access”.

Guests at strata schemes need to comply not only with the Code but also the by-laws. By-laws deal with many aspects of strata living specific to the particular strata scheme. These include garbage disposal, car parking to respecting the rights of other occupants and use of common property.

Failure by guests to observe by-laws negatively impacts the quality of life of the other occupants in a strata scheme.

It is only fair and reasonable to require a host in a strata scheme to draw attention of the guests to the by-laws by providing them with a copy and requiring them to abide by the by-laws as a condition for the use of the premises.

5. Section 5.4.8 Obligations to neighbours

Section 5.4.8 should be amended to make it clear that:

- (a) a host must give prior written notice of the host’s intention to operate a short term rental accommodation on the premises, to the owners corporation, community association and the neighbours referred to in the section;**

- (b) the written notice must be given at least 21 days before the host commences short term rental accommodation;**
- (c) the written notice must contain the contact details of the host or the host's authorised representative; and**
- (d) the host must provide prompt written notice to the owners corporation, community association and the neighbours referred to in the section of any change in contact details of the host or the host's authorised representative.**

While section 5.4.8 requires a host to notify the Owners Corporation that the host is operating short-term rental accommodation on the premises, the section does not specify when such information must be given.

It is essential to give sufficient prior written notice to an owners corporation so that steps may be taken, if necessary, to minimise any negative impact the short term rental accommodation may have on other occupants and on common property. For example, there may be need for extra security measure to be taken in relation to a floor in the building or common areas prior to the commencement of the short term rental accommodation.

6. Host to be responsible for damage to common property caused by guest

There should be a provision in the Code for a host to bear the costs of repairing any damage to common property caused by a guest.

This amendment is fair and reasonable as the host is conducting a commercial enterprise and is able to obtain a deposit from the guest. The host may then use the deposit to reimburse the owners corporation for costs incurred to repair common property damaged by the guest.

Owners corporations would find it difficult to claim the cost of repairs from guests who have damaged common property especially from those who live interstate or overseas.

The host needs to be responsible for these costs for the following reasons:

- (a) the host benefits financially from carrying out a commercial enterprise on the host's premises;**
- (b) the owners corporation has no share of the profits made by the host and has no benefits from the host carrying out a commercial enterprise on the host's premises; and**
- (c) the owners corporation has already had to incur increased insurance costs and other costs to enhance security for and to protect the privacy of the other occupants in order to cater for short term rental accommodation in its strata scheme.**

It is therefore unfair and unreasonable for an owners corporation to have to bear the cost of repairs to common property when the damage is caused by a guest.

The Code should require a host to bear the costs of repairs to common property damaged by their guest.

Guests

7. Section 5.5.2 Obligations to neighbours – too narrowly drafted

Section 5.5.2(b) should be amended to prohibit a guest from acting in a violent or threatening manner towards anyone while on the premises or on common property.

Section 5.5.2 (b) currently states that a guest must not act in a violent or threatening manner towards “neighbours or other occupants of the premises or any other immediately adjoining premises”.

The Code does not define who is a neighbour.

This provision is far too narrow.

A guest, while on common property such as a car park, may act violently towards an occupant who does not occupy “immediately adjoining premises”. Such a guest may also act violently towards a visitor such as a tradesman.

Violence and threats are absolutely unacceptable and must not be allowed at all.

It is unfair and unreasonable for other occupants and their visitors to be subjected to violence and threats and yet have no recourse or right to complain under the Code.

8. Section 5.5.2 (d) - too narrowly drafted

Section 5.5.2(d) should be amended so that a guest is prohibited from interfering unreasonably with the use or enjoyment of common property by all other occupants and visitors in a strata or community scheme.

It is essential for harmonious community living that an occupant or visitor must not interfere unreasonably with the use of and enjoyment of common property by all other occupants or visitors.

Limiting the obligation of a guest in section 5.2.2(d) to just “neighbours and other occupants of the premises in a strata or community scheme” is unfair and unreasonable for other occupants of the strata or community scheme who may not be regarded as neighbours.

The Code does not define who is a neighbour.

Is an occupant who lives on the 22nd floor of a strata building the neighbour of an occupant on the first floor?

Is an occupant who lives in the north-east block of a strata scheme the neighbour of an occupant who lives in the south-west block?

The Code should require a high standard of behaviour rather than provide for a low standard of behaviour for hosts and guests.

As such, section 5.2.2(d) should be amended so that a guest is prohibited from interfering unreasonably with the use and enjoyment of all other occupants and visitors of the strata scheme or community scheme.

9. Section 5.5.4 - returning of keys, etc

Section 5.5.4 should be amended so that a guest must return all keys, security passes and other instruments that facilitate entry to the premises after the end of the occupancy period. The word “knowingly” should be removed from section 5.4.4.

Strata schemes, which are wholly residential, are particularly concerned about security and safety when premises are subject to short term rental accommodation.

The security of strata schemes which have keys for entry to buildings are particularly vulnerable when keys are not returned.

It is unfair and unreasonable to exacerbate their concerns by having a Code which is lenient on guests who fail to return keys, security passes and other instruments that facilitate entry into the premises. “Premises” as defined in the Code includes common property.

As drafted, Clause 5.5.4 makes it too easy for a guest to keep any key or security pass by stating that they had not “knowingly” retained such key or security pass after the end of the occupancy period. In addition, the penalty for the non-return of keys is not a sufficient deterrent.

The word “knowingly” should therefore be removed.

10. Host to inform Owners Corporation of non-return of keys etc by guest

A provision should be included to require a host to inform the owners corporation or community association in writing that a key, security pass or other instrument that facilitates entry to the premises has not been returned after the end of the occupancy period.

The owners corporation must know when a key, security pass or other instrument that facilitates entry to the premises and common property has not been returned by a guest.

This would allow measures to be taken to minimise any security risk for the strata scheme eg. a security pass may be cancelled.

It is unfair and unreasonable to expose the occupants for a strata scheme to the possibility of further security risks when these items are not returned.

11. Section 5.5.5 – Require guests to take reasonable care of common property

Section 5.5.5 should be amended to include a provision to require a guest to take reasonable care of common property in a strata scheme or community scheme.

It is unfair and unreasonable that while section 5.5.5 requires a guest to take reasonable care of the host's property, there is no provision to require the guest to take reasonable care of common property.

Occupants in a strata scheme have to share their use of common property with a guest who does not pay the owners corporation for such use. Surely, the least that may be expected of a guest is that they are required to take reasonable care of common property.

As such, section 5.5.5 should be amended so that a guest must not only take reasonable care of a host's property but also all common property in a strata scheme or community scheme.

Compliance and Enforcement

12. Section 7.1.3(a) – Disciplinary Action – to include failure of obligation to other occupants, visitors, owners corporation and community association

Section 7.1.3(a) should be amended so that it includes not only failure of an obligation by a host or guest to a neighbour but also any failure of an obligation to all other occupants and visitors in a strata scheme or community scheme and also the owners corporation and community association.

The current draft allows the Commissioner to record a strike if a host or guest fails in an obligation to a neighbour and the failure is not minor.

The word "neighbour" is used often in the code. However it is not defined. (please refer to comments in Item 8 on who is a neighbour)

It is unclear how this section operates in the context of a strata scheme or community scheme and who is a neighbour for the purposes of this section.

It is unfair and unreasonable for the occupants of a strata scheme or community scheme if the Commissioner is allowed to record a strike against a host or guest for failing to comply with an obligation to a neighbour, but the Commissioner is not given the power to record a strike against a host or guest for failing to comply with an obligation affecting another

occupant (who may not be considered a neighbour) or visitor in a strata scheme or the owners corporation or community association.

13. Section 7.1.3(a) – Disciplinary Action – to require a higher standard of conduct and behaviour from a host and guest

The words “the failure is not minor” should be deleted from section 7.1.3 (a).

There needs to be a fair and reasonable balance of the advantages enjoyed by a host and guest on the one hand and the disadvantages suffered by other occupants in a residential strata scheme on the other.

In residential strata schemes, a host will be allowed to conduct a commercial enterprise on the host’s premises, benefitting financially from it. The host makes money and is not required to share any of it with the other occupants in a strata scheme.

The guest enjoys the use of the premises by paying a rate which is usually cheaper than a hotel.

There are no advantages to occupants who do not participate in short term rental accommodation. The disadvantages suffered by these occupants in a strata scheme include increased security concerns and costs to enhance security, increased insurance premiums due to commercial enterprise being carried in the strata scheme, increased costs associated with more wear and tear of common areas, erosion of privacy, noise and other inconveniences resulting from the host’s commercial enterprise.

Given the advantages enjoyed by a host and guest and the number of disadvantages suffered by the other occupants in a strata scheme, it is not only fair and reasonable, but also essential, for the Code to offer greater protection for the other occupants by holding the host and guest to the highest standards of conduct and behaviour.

The Commissioner should be allowed to record a strike if a host or guest fails to comply with an obligation without having to consider whether “the failure is not minor”.

14. Section 7.1.3(c) - strict liability for insurance obligations

The words “the failure is not minor” should also be deleted from section 7.13 (c).

Failure of any sort in meeting insurance obligations should never be regarded as a minor failure.

The only insurance obligation required by the Code is for a host to take out a public liability policy.

Failure to insure for public liability cover is akin to driving without third party insurance and hoping no accident will occur. The likelihood of an accident may be small but the gravity of an injury or damage may be very great and for which a host may lack the financial ability to compensate.

The Code should make it clear that if a host wants to undertake a commercial enterprise on the premises and to benefit financially from it, the host must meet insurance obligations.

It is unfair and unreasonable to expose other occupants, their property and common property in a strata scheme to unnecessary compensatory risks without the Code requiring the defaulting host to face serious consequences.

The Commissioner should be allowed to record a strike if a host fails to meet the insurance obligations required under the Code without having to consider whether “the failure is not minor”.

15. Section 7.2.5 Exclusion Register – expand section 7.2.5

Section 7.2.5 should be expanded to allow the Commissioner to include a guest on the exclusion register if the guest has breached section 5.5.2(e) or section 5.5.2(f) or both.

Any guest who intentionally, recklessly or negligently causes damage to premises, common property, communal facilities, personal property or public property should be included in the exclusion register without having to wait for a second strike.

There must be a zero tolerance policy for this sort of unacceptable behaviour. Such behaviour goes against all accepted social norms of courtesy and respect for others, their rights and their property.

It is unfair and unreasonable to expose other strata schemes or hosts to damage by having a guest who has previously indulged in this sort of unacceptable behaviour in another location.

16. Commissioner to be given discretion to record an industry participant in the exclusion register for an indefinite period

It appears that the only instance when the Commissioner has the discretion to record a person in the exclusion register indefinitely is when a person has been convicted of a criminal offence and it is in the public interest to record the person. (Section 7.2.5(b)).

There may be other incidents where the facts may warrant a person to be recorded on the register for an indefinite period eg. a host who consistently breaches by-laws or a guest who is often violent or threatens others.

The Commissioner should be allowed to determine if such a host or guest should be recorded indefinitely in the exclusion register.

Other Comments

17. Section 137A and what constitutes “principal place of residence”

There should be a definition of what constitutes a person’s “principal place of residence”.

Section 137A of the Strata Schemes Management Act 2015 allows an owners corporation to pass a by-law prohibiting a lot being used for short term rental accommodation if the lot is not the principal place of residence of the host.

It is unclear what constitutes a person’s principal place of residence for the purposes of Section 137A.

If a person has been seconded to work in another city for an indefinite period, can the person regard their lot as their principal place of residence even though they are living in another city for an extended period of time, perhaps even for several years?

If a lot is owned by a permanent resident of Australia who lives overseas but stays in the lot from time to time when the person is in Australia, can the permanent resident regard the lot as his or her “principal place of residence” for the purposes of Section 137A?

In order to facilitate the administering of a by-law made under Section 137A, it is essential that an owners corporation knows exactly what constitutes a person’s “principal place of residence” for the purposes of that section.

18. Amendments for Review

Those who have made submissions should be given an opportunity to review any further amendments made to the draft documents including the Code.

While strata schemes and community schemes are not industry participants, they are nevertheless impacted negatively by short term rental accommodation.

As drafted, the Code, as a whole, tends to favour hosts and guests in preference to other occupants of strata schemes who are impacted negatively by short term rental accommodation arrangements.

The Code does not always ensure fairness and reasonableness for the rights and concerns of the other occupants in strata and community schemes.

The bar for the conduct and behaviour of a host and guest needs to be raised to meet community standards of respect for others, their rights and their property. In addition, there must be a zero tolerance policy for violence, threats and criminal behaviour.

19. Time for Submission to be extended to a week after exhibition concludes

The time for submissions should be extended for at least a week after an exhibition concludes to allow those who visit the exhibition on the last day or towards the end of the exhibition an opportunity to prepare their submissions.

From: Yenvi kong <louisaherkess@gmail.com>
Sent: Wednesday, 11 September 2019 2:17 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...

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:

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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
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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.

Regards,
Yenvi kong
17 Wentworth Ave
Sydney, Nsw 2000

From: Yi Shen <shenyishawn@gmail.com>
Sent: Wednesday, 11 September 2019 2:18 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.

Regards,
Yi Shen
Gibbons St
Redfern, Nsw 2016

From: Yihan Wang <charlotte_wangyihan@hotmail.com>
Sent: Wednesday, 11 September 2019 2:21 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.

Regards,
Yihan Wang
2 Waterways St
Wentworth Point, Nsw 2127

From: yunfei Li <liyunfei7@msn.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Regards,
yunfei Li
Park Street North
Sydney, Nsw 2127

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 8:17 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 Wed, 21/08/2019 - 08:16

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

yunyun

Last name

ding

Name withheld

No

Info

Email

sallyding0721@gmail.com

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

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: Yuvianvy Kelvin <yuvi.kelvin@gmail.com>
Sent: Wednesday, 11 September 2019 2:20 PM
To: DPE PS STHL Mailbox
Subject: Submission to Short Term Rental Accommodation Discussion Paper

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Regards,
Yuvianvy Kelvin
19 Wavell Parade
Earlwood, Nsw 2206

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 4:05 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

Submitted on Sun, 08/09/2019 - 16:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

YVES

Last name

DEYRIS

Name withheld

No

Info

Email

yvesdeyris@gmail.com

Suburb/Town & Postcode

SUFFOLK PARK.2481

Submission

I am against holiday letting,AIR B&B.in residential area.

I agree to the above statement

Yes

From: Yvette Kaleel <ymkmedia@yahoo.com>
Sent: Wednesday, 11 September 2019 2:17 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.

Regards,
Yvette Kaleel
30 Stephen Rd
Botany, Nsw 2019

From: Yvonne Bright <bright66@optusnet.com.au>
Sent: Wednesday, 11 September 2019 2:17 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 have an amazing space within my home and decided to share it with travellers. I live in an area that is a half way stop between Sydney and Brisbane and popular as a stop over. The whole area is also popular with holiday makers. I know that this area struggles to provide enough accommodation
When there are big sporting events etc here. I love meeting people and it keeps be active and mobile.

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.

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Thank you for reading my submission.

Regards,
Yvonne Bright
22 Links Ave
Korora, Nsw 2450

From: Yvonne Smith <ms.whysmith@gmail.com>
Sent: Wednesday, 11 September 2019 4:37 PM
To: DPE PS STHL Mailbox
Subject: Short Term Rental Accommodation Reforms
Attachments: Blank 38.pages

Sent from my iPad

From: Yvonne Wynen <lilypadluxurycabins@icloud.com>
Sent: Saturday, 17 August 2019 10:22 AM
To: DPE PS STHL Mailbox
Subject: STHL Survey

Follow Up Flag: Follow up
Flag Status: Completed

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 strongly support the creation of a register of all holiday rental properties listed on a platform and the code of conduct.

As holiday rentals like mine become more important to the tourism economy, it's my strong belief the NSW Government should build a regulatory solution that ensures the sector can reach its economic potential.

Thank you reading my submission.

Yvonne
Lilypad Luxury Cabins
Ph: 0419 770 687

From: Zara Pamboukhtchian <the.zara@gmail.com>
Sent: Thursday, 5 September 2019 9:19 AM
To: DPE PS STHL Mailbox
Subject: 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 strongly support the creation of a register of all holiday rental properties listed on a platform and 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.

Zara Pamboukhtchian

From: Zatta SLM <zattaslm@mail.com>
Sent: Wednesday, 11 September 2019 2:16 PM
To: DPE PS STHL Mailbox
Subject: [SUSPICIOUS MESSAGE] Submission to Short Term Rental Accommodation Discussion Paper

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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.

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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.

Regards,
Zatta SLM
SYDNEY
Sydney, Nsw 2000

From: Ziona Russell <thechaletchb@gmail.com>
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 it is the site most familiar to families when travelling. We use it all the time with friends and families.

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.

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Regards,
Ziona Russell
Silkstone Boulevard
Catherine Hill Bay, Nsw 2281

From: Zoe campbell <zoenerissacampbell@gmail.com>
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Zoe campbell
9 Cemetery Rd
Byron Bay, Nsw 2481

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46 Fairscene Cres
Avoca Beach, Nsw 2251