

Appendices

Appendix 1 – STHL Options Paper Submission Form

SHORT-TERM HOLIDAY LETTING OPTIONS PAPER SUBMISSION FORM	
<p>The NSW Government has released an Options Paper, building on the work of the Parliamentary Inquiry and existing practice, to start a public discussion on potential options to develop a suitable approach for short-term holiday letting (STHL) in NSW.</p> <p>The Options Paper for STHL outlines potential options around the development of an appropriate approach to managing STHL. These options could be considered either individually or in combination.</p> <p>Prior to making a whole of government policy framework, we are seeking feedback from the community and our stakeholders on the options discussed in the paper.</p> <p>You are invited to respond to the Options Paper by submitting this form to the NSW Department of Planning and Environment.</p> <p>You can also provide your feedback by:</p> <ul style="list-style-type: none"> • filling out the online survey • email to STHL@planning.nsw.gov.au • writing to: Director, Housing Policy Department of Planning and Environment GPO Box 39, Sydney NSW 2001 <p>If you have further inquiries, please email us at STHL@planning.nsw.gov.au</p> <p>The consultation process is open until 31 October 2017.</p> <p>By hitting submit you agree to the Department's Privacy Policy.</p>	<p>How will your personal information be used when you make a submission?</p> <p>Your personal information is protected under the Privacy and Personal Information Protection Act 1998 (PPIP Act). The Department collects personal information in submissions for the purposes set out in the Department's Privacy Statement.</p> <p>We respect your right to privacy. Before lodging your submission, you will be asked to confirm that you have read the terms of the Privacy Statement, which sets out:</p> <ul style="list-style-type: none"> • how personal information is defined under the PPIP Act - it includes but is not limited to your name, address, and email address; • the purposes for which the department collects personal information; and • how personal information collected by the department will be used. <p>When you make a submission, we will publish:</p> <ul style="list-style-type: none"> • the content of your submission - including any personal information about you which you have chosen to include in those documents • a list of submitters, which will include: <ul style="list-style-type: none"> - your name - your suburb or town <p>We will not publish offensive, threatening, defamatory or other inappropriate material.</p> <p>If you do not want your personal information published, do not include any personal information in your submission.</p> <p>All other information gathered in this submission form will be collated and used towards making a recommendation on the future approach of STHL in NSW.</p>
Name, Surname	PAMELA LLOYD MUIR, CHAIRMAN
Organisation	"THE PINES" OWNERS' CORPORATION SP3840
Suburb	Postcode
E-mail Address	pines@pips.com
Date of Submission	30 th October 2017

Introduction		
1	Do you use or have you ever used short-term holiday accommodation?	N/A
2	Are you or have you ever been a short-term holiday accommodation host?	N/A
3	Do you provide another form of short-term holiday accommodation?	N/A
4	Do you live near a property that provides short-term holiday accommodation?	N/A
5	Are you from an STHL industry group, owners' corporations or community group?	YES OWNERS CORPORATION
Impacts Associated with STHL		
6	Please indicate below which impact(s) are you most concerned about and how do you believe these could be managed.	
	<ul style="list-style-type: none"> • Noise • Waste • Party Houses • Parking • Hazards and Evacuation 	} ALL - see "PINES-9" attachment
Self-Regulation		
7	Considering the mechanisms below, how could self-regulation in NSW address any negative impacts of STHL?	
	<ul style="list-style-type: none"> • The Code of Conduct • Complaint Management Mechanism • Monitoring & Reporting 	
8	Are there barriers that may reduce the effectiveness of self-regulation?	
STHL in Strata Properties		
9	Should owners' corporations be given the legal ability to prohibit or restrict STHL? If so, how and under what circumstances? SEE "PINES-9" attachment	
10	Should the Strata Schemes Management Act be amended to increase the ability of owners' corporations to manage the impact of STHL and obtain compensation for adverse impacts? If so, under what circumstances? SEE "PINES 10" attachment	
11	Is there scope for industry self-regulation in the short-term holiday letting industry? Would this effectively address issues that occur in short-term letting in strata schemes? SEE "PINES-11" attachment	
Regulation through the Planning System		
12	How should STHL be subject to a planning regulatory framework? What would be the impacts of applying a planning framework to STHL?	
	<ul style="list-style-type: none"> • Exempt • Complying • Development Consent • No planning regulation 	
	Please indicate your reasons below:	

13 If STHL is to be regulated via the planning framework, how should it apply?

- Number of total days per year
- Number of consecutive days
- Number of bedrooms
- Length of stay
- Presence of a host
- Location (*metro vs. regional*)
- Compliance with a Code of Conduct

14 Should there be different planning frameworks in regional and metropolitan areas? If so, how and why?

Registration or Licensing

15 Could a licensing system for STHL work in NSW? If so, how might it operate?

Summary of Options

16 The options outlined in this paper are summarised in the below table. For the future regulatory framework, which top 3 options (if any) would you like to see in this framework? Why?

(Please tell us the reasons for your choices).

Potential Options

Themes	INDUSTRY SELF REGULATION	STRATA REGULATION	PLANNING REGULATION	REGISTRATION
	<i>Refer Section 4</i>	<i>Refer Section 5</i>	<i>Refer Section 6</i>	<i>Refer Section 7</i>
Multiple Options	Code of conduct	By-laws to manage visitor behaviour	Development approval - exempt/complying	Registration to manage safety and amenity issues
	Complaints management	By-laws to receive compensation for adverse effects	Development approval - development consent	
	Education		Limit the length of stay	
			Limit the number of days per year	
	Monitoring and reporting	By-laws to prohibit STHL	Limit the number of bedrooms	Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met
		Regulate by whether the host is present when STHL takes place		

Note: The policy options for STHL could include regulatory or non-regulatory approaches, or a combination of both. A combination of options from any rows or columns (or/and other options not covered in the paper) can be chosen to suggest a policy framework for the STHL in the submission form.



The Pines

STHL OPTIONS PAPER SUBMISSION FORM

STHL IN STRATA PROPERTIES

Q9: Should owners' corporations be given the legal ability to prohibit or restrict STHL? If so, how and under what circumstances?

YES.

Through strata by-laws which give legal ability to owners' corporations to prohibit or restrict STHL in strata buildings.

Strengthen owners' corporations' management of the impact of STHL through establishing recognised and enforceable monitoring and reporting systems.



The Pines

STHL OPTIONS PAPER SUBMISSION FORM

STHL IN STRATA PROPERTIES

Q10: Should the Strata Schemes Management Act be amended to increase the ability of owners' corporations to manage the impact of STHL and obtain compensation for adverse impacts? If so, under what circumstances?

YES.

Strata owners wishing to short-term let their properties shall pay the Owners' Corporation an additional fee to compensate the Corporation for additional charges incurred as a result of STHL. Such fee shall cover additional common property management, waste disposal, pool/garden/facilities maintenance, insurances and utilities costs.



The Pines

STHL OPTIONS PAPER SUBMISSION FORM

STHL IN STRATA PROPERTIES

Q11: Is there scope for industry self-regulation in the short-term holiday letting industry? Would this effectively address issues that occur in short-term letting in strata schemes?

NO. Self-regulation does not overcome self-interest.

In support of this, the following is a letter from the Secretary of a Strata Owners' Corporation:

The government's survey on Short Term Holiday Letting is seeking feedback on what regulations can be put in place so that STHL can be commonplace in all apartment blocks. This kind of thinking is like pushing a square peg into a round hole: it can't be done. Anyone who thinks it can has never devoted any time to being on a strata committee.

Managing STHL in a strata unit block is asking individuals who already sacrifice their time multi-tasking a myriad of maintenance work to then take on the onerous responsibility of writing more letters, filling in more forms and generally jumping through more bureaucratic hoops in order to make a bunch of strangers respect the building they are holidaying in.

So much goes on behind the scenes in a unit block that few can possibly understand that strata committee member/volunteers are reeling at the thought of having to be burdened with the role of unpaid hotel managers, potentially lacking even the recourse of denial of service to obnoxious patrons.

Being able to manage the day-to-day needs of a block of units requires a number of factors: a person or a committee that has the best of intentions; a good strata agent, and a general sense of community amongst the residents.

Once strangers/short-term holiday makers are thrown into the mix who are not part of that community, the work of strata committee member/volunteers becomes untenable.

Over 20 years ago one apartment in this block was managed by a holiday letting company. It caused so much chaos over a period of two years the then strata committee introduced via an AGM a majority supported by-law restricting short term letting to a minimum of 90 days. A year ago the strata committee was able to enforced that by-law when it was discovered (after some considerable period of inexplicable expenditure increase, noise, maintenance, security and waste collection issues) that four apartments were being advertised on *airbnb*. The negative

impact these short-term holiday makers had on the block was able to be mitigated by having a controlling by-law already in place.

Every building must have the right to make the decision whether STHL can work in their building. Any legislation to remove that right is ill advised as it will soon be evident that the Department Of Fair Trading will be inundated with thousands of complaints it cannot deal with.

Those individuals benefitting from short term holiday letting their units are not the ones putting in the hard yards, working to make their block of units compliant with the latest fire regulations; the latest rules for child safety locks; with repairing concrete cancer issues, as well as being available to residents by phone 24/7 and dealing with a list of issues that grows longer, never shorter.

I know I speak for the many hard working strata committee member/volunteers when I say please do not change the laws regarding a strata corporation's right to not allow STHL.

Yours faithfully,

Diana Mrkusich

Secretary SP 3840
51-53 The Crescent, Manly,
2095