

Dear Sir

I have just completed your online submission having no idea if I would be given the opportunity to explain what has happened to our community. I am now writing to add to the survey which I didn't know if I could make a statement at the end of the survey. My husband and I have owned our house at Palm Beach Sydney for over 36 years. It is a heritage listed house in the Pittwater area and we are bound by the rules of our local council for the welfare of our house and environs. We have a neighbour who is living in her own home with her son and another person who is using Airbnb for letting her home as a party venue. One of your points says that having the owner on site contributes to better behaviour which is not true according to our experience. The house is listed on Airbnb site as allowing 16 guests with 6 bedrooms, having 16 beds and 1.5 bathrooms. It adds "the house can host up to 32 people and we are not shy of your planning parties with our consent and consideration". Please see Airbnb advertisement "Art Fun and Fantasy at Florida House" booking number 6057735. The advertisement also seems to suggest that alcohol can be brought on to the premises and that catering can be arranged.

We have experienced so much disruption from this house over the time it has been an Airbnb site and before as well. My husband and I are not members of Airbnb and until we learned how to navigate through the site, were given the run around about how to enter complaints about the antisocial behaviour from next door when there were people using the house to gather for parties. Only through frustrating phone calls to Airbnb call centres were we able to report antisocial behaviour, noise, people coming and going all through the night on so many occasions. We were treated with contempt by our neighbours and Airbnb. Airbnb has our email and phone number and all they come back with is that they had "shared our complaint with your neighbour and gave them some feedback to address the issue. Thank you for helping to improve our community." This response is standard and we have received it so many times. No matter how outrageous the behaviour is from this Airbnb site, the response is the same from them. We are at a loss to know how council, the police, the state government, Airbnb can allow our neighbour to operate a party house and advertise it as such in a residential area where we are all subject to the council codes and rule of law. Our neighbour does not seem to be under the same rules and is earning money to our detriment.

Below is some of the unruly and obnoxious behaviour that has been occurring with regularity over the years: noise allowed all night which includes music, screaming, cars coming and going and general congregation of party goers around the street and property; if guests are approached with a request to quieten down we are met with varying degrees of hostility and surprise from them as they understand they are allowed to make as much noise as they like according to the people who run the place and the advertisement on Airbnb; drunken/drug affected males entering our property. How do we approach these people and ask them to leave - do we call the police or handle this ourselves. Both options have been used and we are being put in an unenviable position - both us (we are in our 79's) and family and friends; there has been an occasion where my son has been intimidated by our neighbour's guests. In particular a guest came and knocked at our door and threatened my son if he called the police. My son was worried and called police and left our house as he was concerned for his safety and property; a drunken/drug affected man entered our bedroom on the ground level of our house at 2 am and gave our guests a terrible fright. He was forcibly removed out of the room and down our driveway and turned back to our guests and was verbally aggressive to them on our property. When we were told what had happened we contacted Mona Vale police and were given a hearing but told "that sort of thing happens a lot on the northern beaches". How can we protect ourselves from this. Who is responsible if someone gets injured.

Suggestions: we should not be afraid in our own home this Airbnb site should not be allowed to operate; there should be consultation and planning done through regulations. We are having unregulated mayhem put upon us by people who have no empathy or consideration we are subject to rules and regulations why not our neighbours and Airbnb? Parties supplying of food and alcohol should not be allowed; why is a house allowed to host obnoxious parties with such appalling facilities. This house is severely underresourced with bathroom and toilet facilities. This is a health issue; we are in need of security for ourselves, family and guests staying at our home. Security should be a priority for us and should be our right. Our submission has outlined a severe change in our amenity since this free for all that Airbnb, council, police, state government has allowed to happen with no rules for anyone to abide by. We are being severely affected by this and seek from you an assurance that you will look at the advertising by clients of Airbnb the facilities that are offered and the safety

aspect of the accommodation. That the rule of law is applied to everyone in our community. That you will look at party houses. That you will look at people in their own home being intimidated by neighbours, their guests and Airbnb's attitudes towards people living near their 'for let' properties.

Christine and John Fenton

4101

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allows Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and any change to this would be a step backwards for NSW.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Sophie Fenwick

4102



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Jess Ferguson

4103

Dear NSW Government,

Please see below template email which I have reviewed and whole-heartedly agree with. I have been using Airbnb twice a year on visits to Sydney for the last 3 years (Paddington and Tamarama) and my experiences would not have been as wonderful and varied if it was harder for users to let their rooms short term. Each time I choose somewhere slightly different to stay so that I can experience different cafes and stores, and chat to different locals about what it is they love in their area. I've made some incredible friendships with hosts that give me reason to visit and repeat my experiences again.

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Jessica Ferguson

4104

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Nathan Fernandez

4105

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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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Bony Ferrao

4106

I am a resident in Altair, a large apartment block of 138 apartments in Rushcutters Bay. In the area of Potts Point, Elizabeth Bay and Darlinghurst there are very few houses, the area is high density living within strata buildings. Over 95% of the buildings are Strata or Company title.

For 15 years "our building" has banned short term letting. We are a community of 138 owners who have made their home within the building. This has been agreed on by residents at AGM's. Now your government wants to tell us the residents of this building we cannot do this in our home/community. You have no right to tell us how to run the building we call home, over the past 15 years we have decided how to run our building. It is run very well by our unpaid volunteer committee members.

This area is a 10-15 minute walk to the CBD, many restaurants, a train station Kings Cross, pubs, clubs, bars. Because of the attractions of the area most of the strata buildings in this area have banned short term holiday letting. STHL have strangers walking in our hallways, all night parties, garbage strewn in public areas. Dangerous behaviour in swimming pools and generally causing disruption to the adjoining apartments.

If someone with a house wants to do STHL let them do it. Leave Strata alone. Do not inflict laws on the residents in Strata that make us impotent in running our homes. Our strata apartments are not hotels, or to be run as commercial enterprises by non-resident owners why would the residents want to support a non residents business in letting out their apartment.

Let Strata plans make their own decision on whether to allow STHL by a vote at the annual AGM where every owner has a vote as we have done in this building for 15 years. Each time it is a resounding "NO".

For the sake of fairness when making this important wide reaching decision ask the members of Parliament who have investment properties in strata plans to declare their interest before participating in any vote or debate.

This government has made a major push over the past 3 years to build strata blocks, if you push through STHL this government will risk creating dismay and alienate hundreds of thousand of residents and their families who vote.

Carole Ferrier

4107



I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.

Furthermore, as the owner / operator of a single bed and breakfast accommodation on a rural property, that has been approved by local council and operates legitimately under an ABN, I believe that to impose further regulation and costs would eat into what is already a small profit margin, bearing in mind that we have already borne the costs associated with compliance with local council.

John & Marian Fiannaca

4108

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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Why do I travel to NSW using Airbnb?

I like to feel a part of a community, and have the choice to stay in places which are not available commercially. Air BnB offers great advantages such as space, cooking facilities, car parking, beds for my whole family without having to spread over several rooms in a hotel for example. I also like the personal and homely touches and the flexibility offered by the hosts. It is also a much more affordable option which means I can travel more often and stay in places that I am welcome and appreciated.

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weekenders only.

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Joanna finn

4109

Name: Euan Fisher

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper.

1. Impacts such as noise or party-house caused by short-term holiday letting (STHL) can be managed by industry self regulation such as (1) code of conduct (2) complaints management (3) education.
2. STHL and strata management can work collaboratively whereby strata management can receive fair compensation to adverse impacts of STHL, if any.
3. STHL should be treated equally to long-term letting in terms of licenses required to operate.

Thanks,

Euan.

4110

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Leila Fisher

4111

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William Fisher

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Barbara Fitzgerald

4113

Dear Sir,

I understand submissions can be made before 31st October, 2017. I submit that if there is a blanket rule that owners corporations can decide whether short term letting is permitted there are real disadvantages for owners. My experience is very often general meetings are controlled by the group which is successful in getting around the ineffective and weak anti-proxyvoting measures introduced by Parliament and which have operated since 30th November, 2016, and for some buildings I am involved in, an ordinary resolution would assist the group and a special resolution would assist the group which controls the letting system in the building. It is not easy to obtain the most appropriate percentage of owners deciding the issue. The following could be considered 80%, 85%, 90%.

Since no percentage will satisfy all buildings, in the event owners were given the right to decide, there should be a requirement for owners to lodge with the owners corporation, an annual statement on the short term use of their apartment and that will assist the land tax and income tax revenue departments. I consider the present non-interference in owners' rights to lease be maintained and that strata schemes not have the right to make by-laws limiting leasing.

Yours faithfully,  
Denis Fitzgerald

4114



Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months and as an Airbnb Superhost living in Hobart, Tasmania, (see my site - Aqua Retreat, Sandy Bay) I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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We stayed at Waterloo and so enjoyed getting to explore the area with its eclectic eateries. 2 years ago we stayed at Bondi for a week for our wedding anniversary. Met an amazing Airbnb hostess who helped us with many tips on where to go what to do during our stay.

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To maximise participation in the sharing economy, any regulations should be clear and easy to

understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Jenny FitzGerald

4115

Director, Housing Policy  
Department of Planning and Environment  
GPO Box 39, Sydney NSW 2001

Dear Sir,

We wish to make a submission on your discussion paper regarding Short Term Holiday Rentals.

#### HISTORY:

We have lived for nearly 17 years in [redacted] which has 163 Apartments, 16 retail shops, a Coles supermarket & a Council car park. I have been the secretary & treasurer of the [redacted] for all that time.

When the building was first occupied there were a number of apartments being holiday let which was against council regulations. This caused many problems to normal residents over a few years. Being close to the beach the holiday lettings attracted many young people who had rowdy parties, played loud music until all hours, would not comply with our garbage & recycling arrangements, arrived back from beach dripping water from wetsuits which caused the foyers & lifts to be awash & sandy, drinking alcoholic beverages around the pool (against pool rules displayed on wall). They also left the two barbecues in such a state we had to remove them.

Also visitors arrived after long flights from overseas with much luggage expecting a concierge when not being met by the apartment owner. They became abusive to our building manager (whose duties are to maintain the building only), expecting him to have keys.

With these problems the Strata Committee conferred with Manly Council who confirmed that it was illegal to let apartments in our building under 90 days unless a DA was submitted and approved.

Further investigation revealed that Peninsula Residential was approved to Building Council of Australia Category 2. For short term rental it was necessary to conform to category 3. specifications.

We found that to comply with Category 3 the building would require very extensive upgrades to fire alarm, wheel chair access, signage etc which could cost in the vicinity of \$1,000,000.

Our owners were informed & the Owners Corp submitted to a general meeting a by-law that short term letting was not permitted without council approval & it would have to comply with all relevant regulations. This was

passed with over 75% voting for it. Our problems have been minor since then.

## RECOMMENDATIONS:

1. In the discussion paper it was suggested that owners should be able to do as they please with their apartments. Large strata blocks must not be treated like a house. They operate as a community & there are many by-laws each owner or resident is compelled comply with on purchasing. It is not possible to let some owners do just what they want without going through the approval process, otherwise the building becomes a mess.

**Short term visitors are never given a copy of the by-laws, nor are they given instruction in proper use of the facilities as their stay is usually only for a few days.**

Therefore “**one size does not fit all**” & strata blocks must be considered differently from other types of residences.

2. In all the discussions I have not seen any talk of building requirements for short term letting, the government should not just decide to overthrow the Building Code of Australia requirements nor the local council planning laws.

3. The suggestion that Strata Committee could police the behaviour is totally unworkable. They run the building & finances on a voluntary basis. If the strata manager responds to a complaint by mail, the visitor is gone before the request is received.

Persistent complaints would have to go to NCAT & if upheld an order would be issued which would all take many weeks to enforce by which time the visitor would be long gone.

4. Therefore the government should follow the Manly Council (now Northern Beaches Council) format for strata apartments. It has worked for Peninsula since 2005 & should not be changed to suit large overseas corporations.

Sincerely  
Patricia & Brian Fitzgerald

Name: Joanne Fitzpatrick

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper.

I paid the government stamp duty when I purchased my property

I pay Land tax every year

I pay tax on all my earnings when I lease out my property for holiday letting

I pay for an extra bin

Guest that stay here also shop in the Shire therefore purchasing from local business's in the shire.

Haven't I paid and still pay enough to at least do what I want with MY property. For every dollar I earn from holiday leasing my house out the government both local and federal, local businesses and my family all benefit. This improves and helps the local area, local people, holiday makers with families and the federal government. Why would you want to stop this?????

I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.

4117

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allowed Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don't include any caps on nights at all.

Section 7: Registration or Licensing - A registration or licensing system such as fees to share your own home would have a negative impact on home sharing. 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.

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and this would be a step backwards for NSW.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Terry Flanagan

4118

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Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

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Justin Fleming

4120

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Beverley Fletcher

4121

Name:Janette Fletcher

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city.

Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.

Kin Regards

Janette

4122

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I also make new friends. It's also an environmentally responsible platform, as sharing a house or apartment doesn't require a dedicated venue that is lit 24/7 and washes thousands of sheets and towels every single day.

I wish to support the following options:

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understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Or else I'll stay in a different state, removing valuable tourist and business dollars from your economy.

Sincerely,

Benjamin Fletcher

4123

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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ERIC Flores

4124



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Laura

4125

Dear NSW Government,

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Peter Fodor

Name: Alice Fong

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. 1. Impacts such as noise or party-house caused by short-term holiday letting (STHL) can be managed by industry self regulation such as (1) code of conduct (2) complaints management (3) education. 2. STHL and strata management can work collaboratively whereby strata management can receive fair compensation to adverse impacts of STHL, if any. 3. STHL should be treated equally to long-term letting in terms of licenses required to operate.

4. I myself have been a STHL user overseas and in NSW. In the last 4 years I have used Airbnb and Stayz in the Blue Mountain, Northern Coast and Melbourne; Hong Kong, Japan, NZ, Italy, Sicily, Greece. Modern travel in the 21st Century is all about immersing ourselves with people, culture, living like a local experience.

I am a Strata Committee Member of the property which I host STHL. I am pleased to advise the EC is supportive of my proposal and a few of them are open to this option. We see our STHL resident bear little difference from our long term residents as our experiences have been positive, especially having to deal with ongoing offensive long term residences behaviours. As such, I fully support

4127

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Natasha Fong

4128

## Appendices

### Appendix 1 – STHL Options Paper Submission Form

#### SHORT-TERM HOLIDAY LETTING OPTIONS PAPER SUBMISSION FORM

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.

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.

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.

You are invited to respond to the Options Paper by submitting **this form** to the NSW Department of Planning and Environment.

You can also provide your feedback by:

- filling out the online survey
- email to [STHL@planning.nsw.gov.au](mailto:STHL@planning.nsw.gov.au)
- writing to:

**Director, Housing Policy**

Department of Planning and Environment  
GPO Box 39, Sydney NSW 2001

If you have further inquiries, please email us at [STHL@planning.nsw.gov.au](mailto:STHL@planning.nsw.gov.au)

The consultation process is open until  
**31 October 2017.**

By hitting submit you agree to the Department's Privacy Policy.

#### How will your personal information be used when you make a submission?

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.

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:

- 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.

When you make a submission, we will publish:

- 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:
  - your name
  - your suburb or town

We will not publish offensive, threatening, defamatory or other inappropriate material.

If you do not want your personal information published, do not include any personal information in your submission.

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.

Name, Surname	
Organisation	
Suburb	
E-mail Address	
Date of Submission	

7



## Introduction

1 Do you use or have you ever used short-term holiday accommodation?

No

2 Are you or have you ever been a short-term holiday accommodation host?

No

3 Do you provide another form of short-term holiday accommodation?

No

4 Do you live near a property that provides short-term holiday accommodation?

Yes

5 Are you from an STHL industry group, owners' corporations or community group?

Chairman, Executive Committee, Owners' Corporation SP50201

## 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.

- Noise ✓
- Waste ✓
- Party Houses ✓
- Parking
- Hazards and Evacuation ✓

Typically, many STHL "guests" have little or no English language skills, and are left on their own because the "host" does not reside at the property.

## Self-Regulation

7 Considering the mechanisms below, how could self-regulation in NSW address any negative impacts of STHL?

- The Code of Conduct ✓
- Complaint Management Mechanism ✓
- Monitoring & Reporting ✓

Self-regulation would not work without strict controls.

8 Are there barriers that may reduce the effectiveness of self-regulation?

Yes.

Many owners/occupiers would deny STHL was happening.

## 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?

Yes, if the majority of owners adopt an enforceable Special By-law to prohibit STHL.

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?

Yes, to ensure breaches of any Special By-law on STHL are penalised.

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?

No, as much

STHL advertising is focused on overseas markets.

## 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?

- Exempt
- Complying
- Development Consent ✓
- No planning regulation

and thus it is nearly impossible to monitor STHL activities.

Please indicate your reasons below:

If Councils are forced to allow STHL in Development Consents, it should then only be applied to new buildings.



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 ✓

*The presence of the owner/occupier host must be mandatory.*

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

*Yes, some regional areas may be suited to longer stays.*

#### Registration or Licensing

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

*Yes. It should be compulsory and attract a fee.*

#### 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).

*Owners' Corporations must have the authority to preserve the amenity for all owners/occupiers in a residential building.*

#### Potential Options

Themes	INDUSTRY SELF REGULATION	STRATA REGULATION	PLANNING REGULATION	REGISTRATION
	Refer Section 4	Refer Section 5	Refer Section 6	Refer Section 7
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	Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met
	Monitoring and reporting	By-laws to prohibit STHL ✓	Limit the number of days per year	
			Limit the number of bedrooms	
			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.



I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper.

I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city.

Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales.

As a farmer, our income is highly dependant upon the weather and agricultural commodity prices. Using Stayz and AirBnB for additional income and to smooth out the income throughout the year is highly beneficial to our family and the regional economy.

I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.

Kind Regards,

Simon Footit

4130

To the Director Housing Policy

So much of the housing market has become profit driven and a means of gathering wealth by letting out premises for the highest price without consideration of the impact this has on the everyday lives of home owners. Health and well being is heavily impacted by how safe and comfortable we feel in our homes. Short term letting is identified as being noisy, without consideration of neighbours, and has a rapidly shifting population that has not, prior to now been the norm. Hotel, hostels, these are easily recognised and when buying property buyers can assess what type of movement and activity they will live if buying into these areas. When STHL is sandwiched into residential family living it is not easy for buyers to know what they are buying into. Having zoned areas serves a purpose please let STHL operate only in areas that are commercial and not in the residential areas that are a haven of family, and neighbourly living.

Yours faithfully

Beryl Ford

4131

# David & Jennie Ford

2

16 October 2017

The Director, Housing Policy  
Department of Planning and Environment

STHL@planning.nsw.gov.au

Dear Director,

## **Submission re Short-term Holiday Letting**

We have read and considered your Department's Options Paper on Short-term Holiday Letting in NSW. We are pleased to have this opportunity to make a submission about the matter.

Please note that we have never been a short-term holiday accommodation host or the provider of short-term holiday accommodation. However, we live in a strata apartment complex in which we strongly suspect some apartments are used for short-term holiday accommodation letting. We are not members of a short-term holiday letting industry group, Owners' Corporation or community group.

We submit that NSW strata legislation should be amended to allow Owners' Corporations to prohibit short-term holiday letting. In other words, there would have to be a majority vote of all members of the Owners' Corporation in favour of short-term holiday letting before it could happen.

We have already experienced the adverse impacts (such as noise throughout the day and night and lack of care for community facilities) of short-term holiday makers occupying units in our apartment complex. Because these people are on holiday, they are unsurprisingly looking for a good time and are ready to party night after night. This they

do more often than not on the apartment balconies which has the effect of disturbing the occupants of many surrounding apartments. Unlike permanent residents, they have no desire to become part of our community. They feel no responsibility to the community or to the individuals within it. They come and they go. We would be better off if they did not come at all.

Our apartments comprise a unique residential development which must not become a de facto hotel by stealth. When this residential development was approved more than 10 years ago, it was not approved for short-term holiday letting. Those who, like us, have chosen to live in this apartment complex are now potentially at risk of being forced to endure a completely different style of living and community. The lifestyle of all long-term residents and the real estate investment of owners will both be adversely affected if short-term holiday letting is allowed.

The strata legislation should also be amended to allow the Owners' Corporation and apartment owners to take action quickly and inexpensively in the NSW Civil and Administrative Tribunal against apartment owners whose apartments are being used for short-term holiday letting in contravention of by-laws prohibiting such use. The Tribunal should be given the power to order that conduct breaching by-laws or causing a nuisance or hazard cease; to order payment of compensation to the Owners' Corporation and to owners and residents of other apartments; to impose a significant civil penalty on apartment owners and/or tenants where either have arranged short-term holiday letting; and/or to prohibit the future use of the relevant apartment for short-term holiday letting indefinitely with significant penalties imposed on those who breach such a prohibition order.

In relation to the other options in the Options Paper, we submit:

**(a) Industry self-regulation.**

This is totally inappropriate. Those who make property which they own or lease available for short-term holiday letting are not part of an industry. They have no professional or other reason to comply with a Code of Conduct. Many have already disregarded obligations on them under strata legislation and planning laws. The existing organisations which seek to facilitate short-term holiday letting also do not comprise an industry. They are by and large disruptive by nature, which means that they too are not minded to act lawfully or with any consideration for others who might be affected by what they do.

We note that there is an existing Holiday Rental Code of Conduct. One of its guiding principles is ***Respect your neighbours***. Our observation of short-term

holiday makers is that they are totally self-focused and have no concern or even awareness of neighbours. We suspect that most owners who engage in short-term holiday letting are not aware of the Holiday Rental Code of Conduct and, therefore, do not bring it to the attention of those allowed to use their properties.

In any event, even if there was awareness of a Code of Conduct, enforcement of it is impractical when short-term holiday makers have gone before anything can be done and when there are no consequences for the owners.

**(b) Regulation through planning**

While some things could be achieved through the planning process, it makes no sense to permit retrospectively uses in residential zones that were not contemplated at the time development consent was granted.

Further, relying upon local councils to deal with situations that arise with short-term holiday letting, such as noisy parties, is impractical and inefficient. It is going to be far more effective to allow Owners' Corporations to deal with situations in their own backyard.

Nevertheless, we accept that there may be merit in a two-pronged approach. In other words, while an Owners' Corporation should have the first say as to whether short-term holiday letting is to be allowed in a strata complex, appropriate planning controls would be of assistance where the Owners' Corporation does allow short-term holiday letting.

Accordingly, we submit that short-term holiday letting should only be allowed where the owner is present; that is, continues to live in the premises. Further, there should be a limit:

- i. of two people per bedroom in premises used for should short-term holiday letting; and
- ii. 30 days short-term holiday letting per premises per year.

Yours sincerely,

*David and Jennie Ford*

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allows Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and any change to this would be a step backwards for NSW.

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don't include any caps on nights at all.

Section 7: Registration or Licensing - A registration or licensing system to share your own home would have a negative impact on home sharing. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, most home sharing requires no approvals. For others there is a simple, quick and cost effective self-assessment form, which is only required in limited circumstances - usually for holiday homes or weekends only.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Patricia Ford

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allowed Owners Corporations to ban outright short term rentals.

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Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and this would be a step backwards for NSW.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Edward Formby

4134

Dear NSW Government,

There is often NO safe accommodation available to stay in areas I visit which are both a) affordable and b) suitable. The Airbnb system is filling a desperately needed gap in the market to allow people short stays which are not holiday or business oriented. The Airbnb system lets people offer cheap, simple rooms in their homes and you can stay in them with the assurance of review and feedback based system. This system is already perfectly self regulated and adding extra costs and restrictions is not going to benefit the community at all. Don't fix it - if it ain't broke !!

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments . I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

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home sharing requires no approvals. For others 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.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Erina Forrest

4135

Sherree Forsythe

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.

4136

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

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I wish to register my opposition to the following options:

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Judith Forwood

4137

## Appendices

### Appendix 1 – STHL Options Paper Submission Form

#### SHORT-TERM HOLIDAY LETTING OPTIONS PAPER SUBMISSION FORM

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.

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.

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.

You are invited to respond to the Options Paper by submitting this form to the NSW Department of Planning and Environment.

You can also provide your feedback by:

- filling out the online survey
- email to [STHL@planning.nsw.gov.au](mailto:STHL@planning.nsw.gov.au)
- writing to:  
**Director, Housing Policy**  
Department of Planning and Environment  
GPO Box 39, Sydney NSW 2001

If you have further inquiries, please email us at [STHL@planning.nsw.gov.au](mailto:STHL@planning.nsw.gov.au)

The consultation process is open until  
**31 October 2017.**

By hitting submit you agree to the Department's Privacy Policy.

#### How will your personal information be used when you make a submission?

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.

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:

- 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.

When you make a submission, we will publish:

- 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:
  - your name
  - your suburb or town

We will not publish offensive, threatening, defamatory or other inappropriate material.

If you do not want your personal information published, do not include any personal information in your submission.

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.

Name, Surname	
Organisation	
Suburb	Postcode
E-mail Address	
Date of Submission	29/10/17

Introduction	
1	Do you use or have you ever used short-term holiday accommodation? <b>YES</b>
2	Are you or have you ever been a short-term holiday accommodation host? <b>NO</b>
3	Do you provide another form of short-term holiday accommodation? <b>NO</b>
4	Do you live near a property that provides short-term holiday accommodation? <b>NO</b>
5	Are you from an STHL industry group, owners' corporations or community group? <b>OWNERS CORPORATION</b>
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"> <li>Noise ✓</li> <li>Waste</li> <li>Party Houses ✓</li> <li>Parking</li> <li>Hazards and Evacuation ✓</li> </ul>
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"> <li>The Code of Conduct</li> <li>Complaint Management Mechanism</li> <li>Monitoring &amp; Reporting ✓</li> </ul> <b>HOWEVER I DO NOT BELIEVE SELF REGULATION WILL WORK</b>
8	Are there barriers that may reduce the effectiveness of self-regulation? <b>THERE WOULD NEED TO BE STRICT PENALTIES FOR BREACH</b>
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? <b>YES - WHERE MAJORITY OF OWNERS OPPOSE STHL IN THEIR STRATA</b>
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? <b>YES. TO ALLOW PENALTIES FOR ABUSE AND IMPACT ON OTHER RESIDENTS.</b>
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? <b>No.</b> <b>MANY SHORT TERM LETTINGS ARE HANDLED PRIVATELY</b>
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"> <li>Exempt</li> <li>Complying ✓</li> <li>Development Consent ✓</li> <li>No planning regulation</li> </ul> Please indicate your reasons below: <b>COUNCIL APPROVAL SHOULD BE REQUIRED FOR STHL</b>



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?

*No*

Registration or Licensing

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

*No*

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). *MY CONCERN IS PRIMARILY WITH SAFETY / USE OF FACILITIES / WEAR & TEAR / NOISE IN A RESIDENTIAL STRATA*

Themes	INDUSTRY SELF REGULATION <i>Refer Section 4</i>	STRATA REGULATION <i>Refer Section 5</i>	PLANNING REGULATION <i>Refer Section 6</i>	REGISTRATION <i>Refer Section 7</i>
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	Education	By-laws to receive compensation for adverse effects ✓	Limit the length of stay	Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met
	Monitoring and reporting	By-laws to prohibit STHL ✓	Limit the number of days per year	
			Limit the number of bedrooms	
			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.

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allows Owners Corporations to ban outright short term rentals.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as



other cities around the world, which have embraced home sharing and are reaping the rewards. Matthew Foster

Dear Minister,

I wish to register in the strongest terms possible my belief that short term letting should not be forced upon strata owners when a majority of owners in a strata complex do not want to permit short term letting.

I live in a strata complex of 186 units. The vast majority of unit owners voted in favour of minimum lease terms of three months and an appropriate by-law was passed. That by-law was also supported by the residential zoning of the local council. Despite that, the complex has experienced the occasional incidence of short-term letting. When short term letting has occurred we have experienced noise, damage and threatening behaviour. We have also had to call for police assistance. Regardless of what measures you may seek to introduce peaceful residents and owners will never be properly compensated for lost sleep, damage inflicted and the constant fear of the unknown.

Yours sincerely,  
Peter Fowler

4140

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

judy Francis

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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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Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

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Rosemary francis

4142

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

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Sarina Francis

4143

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Denise Francisco

4144



To whom it may concern:

I have recently completed the online survey relating to the STHL options paper, but have a few other points I would like to add.

I welcome that there will be soon be clarity and guidelines for short-term letting in NSW.

I also feel it's essential that we don't end up with a one-size fits all approach, that negatively impacts ordinary people who want to engage in responsible, small-scale, short-term letting (especially those where the host is present), in an attempt to curb the extreme behaviours of others.

We have a space on our property that we had been successfully renting out short-term, until the council ordered us to stop:

- Our short-term rentals are (were) run and closely monitored by an accredited letting agency, who carefully vet every tenant (on call 24/7).
- There is a strict no party clause in our contract, and strict rules for behaviour.
- Our tenants are professional people, generally either visiting to work in Sydney on a project-basis or in the process of re-locating; and are only very rarely holiday-makers.
- Our tenants are the kind of people who have stayed in many hotels before, and simply prefer the homely environment we provide.
- Existing wheelie bins for rubbish have always been sufficient for both our family and any tenants.
- We provide an off-street parking space.
- The host (me and my family) is present.
- (Ours is a non-strata residence.)

The current (opaque) rules in Waverley forbid us from renting our space short-term. However, if the law is cleared up and allows us to do so we will be able to:

- Provide ourselves with welcome extra income.
- Attract professional people from interstate and overseas to NSW/Sydney to work, helping the local economy.
- Give people who have often stayed in hotels before, the choice to experience something different.
- Contribute to the economy through taxation on the income we generate.

There has been lots of debate about the concerns of party houses and noise generated by short-term holiday letting. I would like to make the point that we actually prefer short-term lets to long-term lets partly because they are more likely to lead to well-behaved, model, tenants, as they behave (especially in our case, with the host present) more as a guest, than a long-term tenant would.

Finally, I understand that the vast majority of short-term lets in NSW are holiday lets. But, as I stated above, almost all of our short-term lets are not holiday-makers. Even if cases like ours are a minority, the assumption that all short-term lets are for holiday-makers (with all the negative baggage that this comes with it) is not right.

Yours

faithfully,

Andrew Fraser

4145

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes.

I have done this for the last two years without impinging in any way on my neighbours quiet enjoyment by I living on the premises and ensuring guests adhere to strict house rules at all times.

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Anne Fraser

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Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller.

As a family with children, staying in traditional hotel rooms is both impractical and cost prohibitive as often 2 hotel rooms are required to be booked.

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Andrew Freeman

4147

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Angela Freeman

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper. I understand that in many towns there is not enough accommodation when big events are hosted and airbnb provide a service to visitors.

Why do I host with Airbnb?

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Patti Freeman

## **Options Paper on Short Term Holiday Letting in NSW**

### **Submission in support of allowing strata schemes to prohibit and/or restrict short term holiday letting in their scheme**

My wife and I support the NSW Government's efforts to create a standard set of rules governing short term holiday letting.

However, based on the Options paper it is clear there are many issues involved if such letting is to be properly regulated. Of these there is one we regard as being particularly important and about which we have a strong view.

This is the issue of whether the owners corporation of an apartment block should be able to determine whether or not apartments in the scheme can be used for short term holiday letting.

We strongly believe that it should have this ability and feel the views of the parliamentary committee noted on page 17 of the Options Paper fail to appreciate the day-to-day reality of living in a strata scheme.

This view is based on our experience as owner-residents of an apartment in a relatively large complex. While well run it has become clear to us just how difficult it is to enforce quite reasonable bylaws. It can also be very expensive should the strata committee need to resort to legal action.

These challenges exist even though our apartment complex is covered by Sydney City Council's regulations banning lettings of less than three months duration and so does not have to deal with holiday lettings.

Our experience suggests a strata committee would have little chance of ensuring owners who rent to short term holiday makers actually abide by any rules the government might decide to impose.

We also believe that, even if enforceable, it would not be possible to design rules that prevent holiday letting having a significantly adverse impact on the amenity of long term residents, as well as resulting in much more cost in maintaining the shared facilities as these would almost certainly be subject to a great deal of extra wear and tear.

Given this we would argue that all the members of the strata corporation should have the ability to be involved in deciding whether their jointly owned property should be made available, in effect, for use by holiday renters.

This approach means that, while the rules governing short term holiday letting may be set by the NSW Government, whether or not an apartment complex allows such letting will be determined by its owners, albeit subject, no doubt, to the relevant local council planning controls.



This approach also means that the owners will have the ability to push for change at any time. For example, an apartment complex that opts to allow short-term letting could reverse this decision if it found that the problems created were unmanageable. Equally, if it opted to ban such letting but saw that other apartment buildings were able to manage the challenges it could decide to allow short-term letting.

Such decision-making shouldn't create any significant procedural problems since a motion to affirm or change this policy could be required to be included in the resolutions put to each year's annual general meeting.

Apartment living is quite different to living in a house and imposes extra costs and challenges. Legislating to allow the owners' corporation to decide whether to allow short term holiday letting would acknowledge this and put the decision-making onus where it belongs – on all the owners, not just the owner of an individual apartment.

If this action is not taken it is highly likely the appeal of apartment living for many people will be undermined, particularly for older Australians who are thinking of downsizing, a process we understand the NSW Government has been keen to encourage.

Peter and Umi Freeman

4150

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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Tony Freeman

4151

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Noel Freeth

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Patti Friday

4153

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Bronwyn Fritz

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.



I believe firmly in voting for the side of politics that is listening to the people and what we want and need. Let this be one area in which you listen

Jessica Frogley

4155



PCU072827

Director, Housing Policy,  
Department of Planning and Environment,  
GPO Box 39,  
Sydney NSW 2001



Dear Director,

In response to the STHL options paper, I would like to say that I strongly oppose the use of short term lets in strata title buildings. I fully support the views expressed by the Chairman of our Epica Strata Committee. I personally believe that short term lets would be a serious threat to the security of our building. They would also reduce the high level of community we presently enjoy, and I think that they would be unfair to existing tenants who have all committed to leases of at least six months.

Yours sincerely,

*L. Bruce Fulton*

Bruce Fulton

4156

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

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Jenny Fung

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David Furness

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Heather g

4159

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Why do I host with 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.

Further to this I use cleaning services and laundry services which provide jobs for many individuals. I also purchase basic essentials such as coffee, biscuits, fruit, toiletries and flowers, all of which supports local small businesses.

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Desireé Gaillard

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Margaret Gallacher

Name: Marisa Gallo

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper.

I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city.

Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales.

I urge you to treat holiday homes differently to other short-term rental and listen to the voices and concerns of homeowners.

Marisa

4162



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Sigrid Gangsoy

Dear Sir/Madam,

I write as the owner of a strata unit and from the point of view of the Chairman of the building's Strata Committee.

Our building has recently adopted a By Law banning all illegal activity (including short term letting as it is against the Council zoning in our area).

As Chairman of our building I have recently been the project Manager on an expensive renovation of the building's entrance area lift and foyer. This of course was funded by the Owners Corporation.

Owners are most concerned about the potential for damage to our common facilities (pool, foyer, lift, garage) resulting from constant comings and goings of people with luggage and the disregard that people often have for that in which they have nothing invested.

There is also resentment that the Owners of some units are running a commercial operation and thus benefitting financially from the expenditure (levies) of others.

As the Chairman I am a very busy person even without issues arising out of short term letting. It is unacceptable to me to be rung by 'guests' of the unit which is short term let with problems they encounter. This has even occurred late on a Saturday night. I have also been required to investigate rubbish left in the fire stair well adjacent to the unit in question. This involved going through the rubbish to be sure from whence it came-tourist maps are a dead give away. Frankly I have better things to do with my time. The 'guests' also tend to order take away and then leave the resulting rubbish all over the garbage room rather than in the designated bins upsetting our janitor who I of course have to calm down.

The end result is that if short term letting is permitted in buildings where the majority of Owners do not want it, such as ours, I shall resign.

--

Penelope Gardiner

4165

**From:**  
**Sent:**  
**To:**  
**Subject:**

Dear sir

RE: official enquiry into short term accommodation ( airbnb, stayz etc )

I own a small property in a village in the Southern Highlands which is zoned Dual Occupancy and built to Dual Occupancy specifications. Both units ( yurts actually ) have sleeping space for one double bed only .  
I live in one and have the other on short term rental market, which allows its use for family and friends when visiting, which would not be possible was it rented permanently.

As I live adjoining the rental place and it is suitable only for two adults, obviously I have no problem with noise or irresponsible behaviour. I understand that these issues may be a problem in a block of flats or apartments, but I sincerely hope that the enquiry will take notice of situations such as mine , which have no detrimental effect on myself or adjacent neighbours. People renting the place for weekends are primarily looking for a peaceful break from city life and enjoy the quiet ambience of the village.

thanking you, sincerely,  
Rexeen Garry ( Ms )

4166

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Erika Gay

4168

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4169



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Robyn Gentemann

4171

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allowed Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don't include any caps on nights at all.

Section 7: Registration or Licensing - A registration or licensing system such as fees to share your own home would have a negative impact on home sharing. 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.

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and this would be a step backwards for NSW.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Lydia

4172

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes.

It is no different to having housemates as a university student, nor different to adult siblings boarding in our own home.

Home sharing is an important part of our culture and integrating people from other lands into our Australian society.

Please accept this as a formal submission to the Options Paper.

Why do I host with 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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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Nicole George

4173

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Stephany George

4174



Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Nikolay Georgiev

4175

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Kahla Gerard

4176

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. I have been in the tourism accommodation industry for 17 years and am a licensed provider but I much prefer the flexibility under the existing structure. Please accept this as a formal submission to the Options Paper.

Why do I host with 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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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Claire Germain

4177

Dear NSW Government,

As a guest who has traveled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their traveling behaviors.

Extreme regulations and red tapes like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveler. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favorite cafes, restaurants, and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

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Sarim Ghani

4178

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Julia Gibb

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.



Bella Gibbons

4180

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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LYNDELLE GIBBS

Dear NSW Government,

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Brady Gilchrist

4182

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Jill Gilchrist

4183

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

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Chris Gill

4184

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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Jaquie Gillen

4185

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Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allows Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and any change to this would be a step backwards for NSW.

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don't include any caps on nights at all.

Section 7: Registration or Licensing - A registration or licensing system to share your own home would have a negative impact on home sharing. In South Australia there are no fees and no registration or licensing system, allowing the home sharing economy to thrive. In Tasmania, most home sharing requires no approvals. For others 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.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Kevin Gilmore

Grace Di Giorgio

27 October 2017

Director of Housing Policy  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Email: [STHL@planning.nsw.gov.au](mailto:STHL@planning.nsw.gov.au)

Dear Director,

RE: Submission to the Government Review of Short-Term Holiday Letting in NSW

Thank you for the opportunity to contribute to the Government Review of Short-Term Holiday Letting (*STHL*) in NSW (*the Review*). Please find my submission to the Review attached (*Attachment A*) in addition to a summary of recommendations (*Attachment B*).

I have used *STHL* across the world, including in areas of NSW, and appreciate the benefit that *STHL* can bring to travellers and hosts alike. I am also an occupant of an apartment building in Randwick, and understand the negative impact that *STHL* may have on occupiers of apartment buildings. Please also note that I am a law student at a university in Sydney, and have written this submission in partial fulfilment of completion of my degree. It is against this background that I make a submission to the NSW Government for consideration in the Review of *STHL*.

Please note that the arguments and recommendations expressed in this submission are my own personal views, and do not represent the position of any institution or agency with which I am affiliated.

Thank you,

Grace Di Giorgio

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# SUBMISSION: short-term holiday letting in NSW

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## I. Executive Summary

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Short-term holiday letting (STHL) in New South Wales (NSW) has grown due to the expansion and availability of online technology. This growth has brought social and economic benefits. Notwithstanding this, STHL purportedly results in three negative externalities, namely that it:

1. Puts pressure on the long-term rental market
2. Decreases amenity in low-rise residential areas
3. Decreases amenity in strata developments.<sup>1</sup>

This submission will argue that the first externality is relatively unfounded, and does not warrant regulation. The second externality has limited impact on low-rise residential areas, and any impact is largely due to 'party houses', which should be regulated separately to STHL. The third externality is a real concern for people living in strata developments and warrants regulation. In summary, STHL should operate freely across NSW, notwithstanding some regulation to mitigate the effects of 'party houses' and STHL in strata developments.

## II. Introduction

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### Existing laws do not capture STHL

STHL occurs when a dwelling, or part of a dwelling, is rented out temporarily for the purpose of short-term accommodation.<sup>2</sup> STHL falls within the peer-to-peer, or sharing, economy. This means that platforms, such as Airbnb and Stayz, use online technology to help strangers interact and share commodities.<sup>3</sup> In particular, STHL allows 'hosts' to let part or all of their properties out to 'guests' for short-term accommodation.<sup>4</sup> On this definition, STHL is not covered by the instruments that apply to traditional forms of tourist and visitor accommodation, or to residential tenancy agreements for the following reasons.

1. *Tourist and visitor accommodation*

The Standard Instrument – Principle Local Environment Plan (PLEP) defines tourist or visitor accommodation as accommodation provided on a *commercial* basis, it includes for example, hotels and bed and breakfasts.<sup>5</sup> STHL is distinct from this form of accommodation

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<sup>1</sup> Jim Minifie, 'Peer-to-peer pressure: Policy for the sharing economy', *Grattan Institute* (2016), 22.

<sup>2</sup> NSW Department of Planning and Environment and NSW Fair Trading, *Short-term Holiday Letting in NSW Options Paper* (2017), 18.

<sup>3</sup> Minifie, above n 1, 1.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Standard Instrument – Principal Local Environment Plan* (NSW), dictionary.

because hosts do not primarily let their properties out on a *commercial* basis. Rather, hosts seek to share their residential premises with peers for a fee. The Legislative Assembly Committee on Environment and Planning (*LA Committee*)’s inquiry into STHL found that because STHL occurs in residential premises, the primary use of the premises is residential, not commercial.<sup>6</sup> So STHL that occurs in residential properties does not amount to tourist and visitor accommodation as defined in the PLEP.<sup>7</sup>

## 2. Residential tenancy agreements

The *Residential Tenancies Act 2010 (RTA)* defines a residential tenancy agreement as an agreement where a person grants to another, for value, a right to occupy certain premises for use as a residence.<sup>8</sup> The RTA expressly excludes any ‘agreement made for the purpose of giving a person the right to occupy residential premises of *not more than 3 months* for the purpose of a holiday’.<sup>9</sup> So, provided that STHL is defined as renting out a dwelling for *less than three months*, the RTA will not apply.

Given that existing regulation under the PLEP and RTA is not equipped to deal with STHL, it raises the question as to whether STHL requires new and different types of regulation.

### **Regulation may be required to internalise negative externalities associated with STHL**

STHL may result in negative externalities, meaning that as a result of a transaction between a host and guest, external third parties may suffer undue costs. Three negative externalities that arguably result from STHL are that it:

1. Puts pressure on the long-term rental market
2. Decreases amenity in low rise residential areas
3. Decreases amenity in strata developments.<sup>10</sup>

This submission will consider whether these externalities are problems in NSW. If no problem exists, then no regulation is required to address the externality. This is in line with the NSW Government’s Guide to Better Regulation, which emphasises that a problem should exist before regulation is implemented.<sup>11</sup> This submission will also consider whether any negative externalities are outweighed by positive externalities. If this is the case, it may not be appropriate to regulate, for fear of mitigating the positive effects of STHL.

This submission will also consider government and non-government regulatory options. Ronald Coase, winner of the 1991 Nobel Prize in Economics, explains that externalities can

<sup>6</sup> Legislative Assembly Committee on Environment and Planning, Parliament of New South Wales, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales* (2016), 18.

<sup>7</sup> It is acknowledged that some hosts are large-scale commercial operators who use STHL as a way to circumvent registration, licenses and taxes that are required for commercial accommodation providers. This may be a problem in NSW, but commercial uses of STHL will not be the focus of this submission.

<sup>8</sup> *Residential Tenancies Act 2010* (NSW), s 13.

<sup>9</sup> *Ibid* s 8(h) (emphasis added).

<sup>10</sup> Minifie, above n 1.

<sup>11</sup> NSW Better Regulation Office, *Guide to Better Regulation* (2009), 11.

be internalized effectively through private mechanisms.<sup>12</sup> More recently, Miller has posited that governments' attempts to ban or heavily regulate STHL are 'ineffective and potentially embarrassing', because there is evidence that sharing economies continue to exist notwithstanding heavy government regulation.<sup>13</sup> This means that in some situations non-government intervention – or libertarian governance – is an appropriate way to mitigate externalities.<sup>14</sup> This is in line with NSW's Guide to Better Regulation, which states that non-regulatory approaches like self-regulation, quasi-regulation or co-regulation should be considered.<sup>15</sup> The Department's Options Paper on STHL also clarifies that government regulation should not be the default option.<sup>16</sup>

While it is acknowledged that private forms of regulation are sometimes effective, there are negative consequences that flow from giving property-law making power to private individuals. Joseph Singer, Professor at Harvard Law School, argues that while there are moral and political reasons for promoting non-government forms of land regulation,<sup>17</sup> there are strong reasons for *limiting* private actors' freedom to regulate property.<sup>18</sup> This is because the exercise of property rights can impose negative externalities on others and 'those externalities are not limited to physical harms or discomfort but include effects that alter the character of the environment and the neighbourhood in which the property is situated'.<sup>19</sup> Consequently, this submission will also consider whether, and how, the NSW Government should limit private forms of regulation.

### **STHL is growing, and here to stay**

There has been significant growth in STHL internationally and in NSW.<sup>20</sup> This growth is largely due to the emergence of online services and developments in the sharing economy.<sup>21</sup> Stayz acknowledges that its growth is due to improvements in technology, which allow for online bookings and payments, live calendars and intuitive searches.<sup>22</sup> Airbnb has also experienced growth; the number of Airbnb properties in NSW more than doubled from 2015 to 2016.<sup>23</sup> At the time of writing there are approximately 24,000 Airbnb properties available in Sydney alone.<sup>24</sup> Stephen Miller, associate professor of Law at the University of Idaho, argues that the sharing economy is here to stay.<sup>25</sup> The Department of Planning and Environment (*the Department*) agrees that STHL is likely to continue growing over the next decade.<sup>26</sup> Therefore, any regulatory approach must recognize that STHL is here to stay, and attempt to work alongside, rather than against, STHL providers.

<sup>12</sup> Ronald Coase, 'The Problem of Social Cost' (1960) 3 *Journal of Law and Economics* 1.

<sup>13</sup> Stephen Miller, 'First Principles for Regulating the Sharing Economy' (2016) 53 *Harvard Journal on Legislation* 147, 157.

<sup>14</sup> Joseph Singer explains that libertarians conform to a 'freedom of contract' perspective, meaning that private individuals are free to make rules pertaining to land that they own. See Joseph Singer, 'Democratic Estates: Property Law in a Free and Democratic Society' (2009) *Cornell Law Review* 94 1009, 1024.

<sup>15</sup> NSW Better Regulation Office, above n 11, 13.

<sup>16</sup> NSW Department of Planning and Environment and NSW Fair Trading, above n 2, 5.

<sup>17</sup> Joseph Singer, 'Democratic Estates: Property Law in a Free and Democratic Society' (2009) *Cornell Law Review* 94 1009, 1027.

<sup>18</sup> *Ibid* 1029.

<sup>19</sup> *Ibid*.

<sup>20</sup> John O'Mahony et al, 'Economic Effects of Airbnb in Australia New South Wales', *Deloitte Access Economics* (2017), 5.

<sup>21</sup> *Ibid* 3.

<sup>22</sup> Anton Stanish (Stayz), Submission No 144 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 6 November 2015.

<sup>23</sup> Mike Orgill (Airbnb), Submission No 207 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 1 December 2015, 3.

<sup>24</sup> Inside Airbnb, *Get the Data* (24 Sept 2017) <<http://insideairbnb.com/get-the-data.html>>.

<sup>25</sup> Miller, above n 13.

<sup>26</sup> NSW Department of Planning and Environment and NSW Fair Trading, above n 2, 4.

### III: Externality one – pressure on the long-term rental market

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#### Other cities have found that STHL places pressure on the long-term rental market

Cities around the world have found that STHL crowds out long-term rental markets, making it difficult for long-term renters to both find, and afford, accommodation in their home cities. For example, San Francisco found that STHL is reducing the residential housing supply, and thereby increasing rents.<sup>27</sup> In response, the city made it unlawful for a permanent resident to offer a residential unit for tourist or transient use unless the property is registered, and the resident occupies the property for at least 275 days per year.<sup>28</sup> Other cities in the United States have adopted similar provisions, and prohibited STHL where hosts are not present.<sup>29</sup> Cities across Europe have also regulated STHL to ease concerns about rental availability.<sup>30</sup> Paris has very stringent laws, which prohibit rentals of less than one year.<sup>31</sup> However, just because a problem exists overseas, does not mean it exists in NSW.

#### There is insufficient evidence to conclude that STHL affects the long-term rental market in NSW

Mainstream media commonly suggests that STHL is crowding out the rental market and driving up rental prices. For example, in June the ABC wrote that Airbnb 'is swallowing up properties once available to locals to rent long-term, as landlords cash in on lucrative nightly rates for tourists'.<sup>32</sup> Moreover, some submissions to the LA Committee claimed that 'prices of residential housing, particularly in the inner suburbs of Sydney, are being driven up as a result of less properties being available for permanent residencies'.<sup>33</sup> This sentiment was shared in a number of councils' submissions.<sup>34</sup>

Nicole Gurran and Peter Phibbs, professors of urban and regional planning at the University of Sydney, note there is little academic research on the rise of Airbnb and its implications for urban policy planning in NSW.<sup>35</sup> Their 2017 report attempts to address this gap. Ultimately, the authors find that STHL has the potential to affect the housing supply, and increase rents.<sup>36</sup> They start by suggesting that Sydney's equilibrium rental vacancy rate is three per cent.<sup>37</sup> They then find that in popular tourist areas such as Waverley, the number of

<sup>27</sup> David Guttentag, 'Airbnb: disruptive innovation and the rise of an informal tourism accommodation sector' (2015) 18(12) *Current Issues in Tourism* 1192, 1200.

<sup>28</sup> *San Francisco Administrative Code*, 41A Cal (Residential Unit Conversion and Demolition) Code (2013), 41A.5.

<sup>29</sup> Emily Speier, 'Embracing Airbnb: How Cities Can Champion Private Property Rights without Compromising the Health and Welfare of the Community' (2017) 44 *Pepperdine Law Review* 387, 403.

<sup>30</sup> Philipp Schafer and Nicole Braun, 'Misuse through short-term rentals on the Berlin housing market' (2016) 9(2) *International Journal of Housing Markets and Analysis*, 287, 289.

<sup>31</sup> Guttentag, above n 27.

<sup>32</sup> Amy Bainbridge and Rebecca Armitage, 'Airbnb in Australia shows the sharing economy has a 'dark side'', *ABC News* (Sydney) 18 June 2017.

<sup>33</sup> Richard Munro (Accommodation Association of Australia) Submission No 180 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 9 November 2015, 8.

<sup>34</sup> See e.g. Peter Monks (Waverley Council) Submission No 211 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 15 April 2016; Shannon Burt (Byron Shire Council) Submission No 172 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 9 November 2017.

<sup>35</sup> Gurran and Phibbs, above n 35, 80.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid* 88. The vacancy rate measures the number of properties currently available to rent at any one time, while the *equilibrium* vacancy rate is the rate at which there is no upward or downward pressure on rents.

properties available on Airbnb is more than three times the vacancy rate in that area.<sup>38</sup> As such, Gurran and Phibbs suggest that Airbnb has a sizeable impact on the availability of permanent housing in Waverley, and consequently pushes up rental prices.<sup>39</sup> The authors implicitly assume that if Airbnb listings were not available in the STHL market, they would be available in the long-term rental market, and the permanent housing stock would increase. However, these assumptions are questionable.

The LA Committee find that in NSW, claims that STHL decreases the supply of long-term rental properties and increases rent prices, lack adequate data or quantifiable evidence.<sup>40</sup> The Grattan Institute similarly find that 'concerns about rents are overblown and are not a valid basis for regulation'.<sup>41</sup> It reports that room listings on Airbnb comprise only 0.5 per cent of total rooms available in Sydney, and only two per cent of Sydney's total rental housing capacity.<sup>42</sup> Therefore, any rent increases caused by STHL are likely small, localised, or non-existent.<sup>43</sup>

The Tenants' Union of NSW share the view that impacts on rents are unsubstantiated. The Union concede that rents in some areas of Sydney have risen significantly in recent years, but argue that STHL has not had a significant or consistent effect on rents.<sup>44</sup> To determine this, the Union compared the vacancy rate to the number of Airbnb listings over time.<sup>45</sup> It finds that even with significant growth in Airbnb listings from 2014 to 2016, there was no statistically significant drop in the vacancy rate in Sydney.<sup>46</sup> That is, there is no negative correlation between the availability of Airbnb listings and the availability of long-term rental properties. Gurran and Phibbs did not compare the vacancy rate with Airbnb listings *over time*; they provided a static comparison. This may explain why their findings differ.<sup>47</sup>

The Tenant's Union further find that landlords will not necessarily obtain higher profits through STHL compared to leasing under the RTA. For a one-bedroom property in suburbs such as Bondi and Darlinghurst, the property would need to be booked for approximately 200 nights per year before it were as profitable as leasing it under the RTA.<sup>48</sup> Data indicates that this rate of bookings is not achieved; many listings in those suburbs are booked for only 10 nights or less.<sup>49</sup> The graphs below show the number of Airbnb listings (blue line) in Bondi and Darlinghurst compared to the number of properties with at least one night booked (blue

<sup>38</sup> Gurran and Phibbs, above n 35, 88.

<sup>39</sup> Ibid.

<sup>40</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 45.

<sup>41</sup> Minifie, above n 1.

<sup>42</sup> Ibid 26.

<sup>43</sup> Ibid.

<sup>44</sup> Tenants' Union of New South Wales, *Airbnb and renting in Sydney: A Report by the Tenants' Union of New South Wales* (2017), 14.

<sup>45</sup> The Tenants' Union considers that a vacancy rate of at least *five per cent* is indicative of a healthy rental market. This is based on evidence taken from SQM Research ([sqmresearch.com.au](http://sqmresearch.com.au)). Meanwhile, Gurran and Phibbs suggest that a vacancy rate of *three per cent* is the equilibrium vacancy rate for Sydney, as estimated by the Real Estate Institute of NSW in 2016. Given the differences in vacancy rates it is difficult to compare the findings of Gurran and Phibbs and the Tenants' Union. In particular, the effect that Airbnb has on the vacancy rate will be larger when a lower vacancy rate is set, which may explain why Gurran and Phibbs finding is more extreme than the findings of the other sources outlined.

<sup>46</sup> Tenants' Union of New South Wales, above n 44, 12.

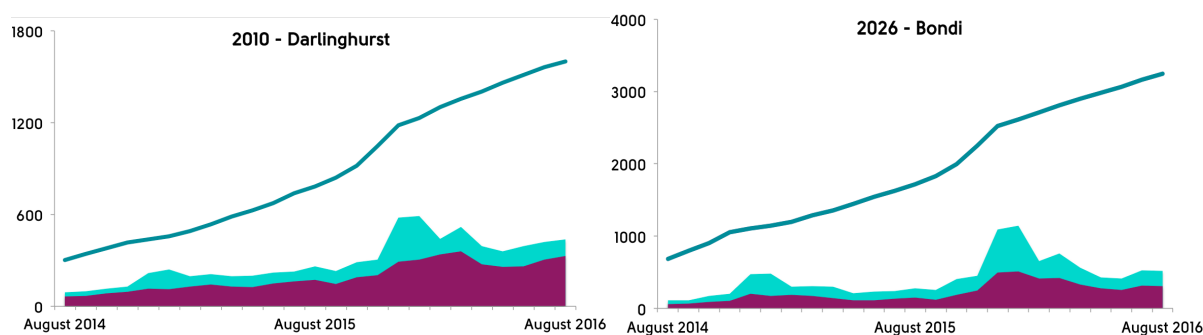
<sup>47</sup> Both the Tenants' Union and Gurran and Phibbs use data sourced from Inside Airbnb, a source that scrapes data directly from Airbnb's online platforms. The Tenants' Union supplements this data with information from AirDNA, who similarly scrape information from Airbnb's platforms; Gurran and Phibbs do not – relying solely on Inside Airbnb. So any differences in figures could also be due to the additional data sources relied on by the Tenants' Union.

<sup>48</sup> Tenants' Union of New South Wales, above n 44, 9.

<sup>49</sup> Ibid 11.



shaded area) and at least eight nights booked (purple shaded area).<sup>50</sup> It is evident that bookings through Airbnb are negligible compared to the number of listings available. It is also evident that profits for landlords are likely to be higher via standard residential tenancy arrangements than through STHL.



Gurran and Phibbs did not consider that Airbnb listings are not representative of actual bookings. Moreover, STHL hosts may be property owners who would otherwise not rent their properties out under the RTA, so Airbnb listings may have never formed part of the long-term rental stock. Ultimately, Gurran and Phibbs finding is not conclusive evidence that STHL places pressure on the long-term rental market.

Given that there is limited evidence on the effect of STHL on NSW's long-term rental market, and what evidence does exist is contestable, no regulation should be implemented at this stage. This is in keeping with the Government's commitment to better regulation.<sup>51</sup> Notwithstanding this, the effects of STHL should continue to be monitored, especially as the STHL market expands.

**Recommendation 1:** Commission research to ascertain what effect STHL has on the long-term rental market in NSW.

<sup>50</sup> The graphs are from: Tenants' Union of New South Wales, *Airbnb and renting in Sydney: A Report by the Tenants' Union of New South Wales* (2017), 13.

<sup>51</sup> NSW Better Regulation Office, above n 11.

## IV: Externality two – loss of amenity in low-rise residential areas

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### Positive externalities outweigh any loss of amenity in low-rise residential areas

All council submissions to the LA Committee suggested that issues with noise, nuisance, traffic, parking and waste management *may* arise when STHL occurs in residential areas.<sup>52</sup> However, the LA Committee found that negative effects are not actually borne by low-rise residential areas. Rather, there is generally a low level of complaints about STHL in NSW.<sup>53</sup> Further, in some areas, communities have welcomed STHL.<sup>54</sup> As such, local governments' concerns about any loss of amenity may be outweighed by the benefits that STHL can provide.

#### 1. Economic benefits

Miller argues that continued growth in the sharing economy is a good thing, because it provides 'tremendous economic opportunities to individuals [and] businesses'.<sup>55</sup> Christopher Pearce, a lecturer at the University of Technology Sydney, also reports that STHL presents a valuable economic contribution.<sup>56</sup> A recent report by Deloitte outlines the specific economic benefits that Airbnb brings to NSW.<sup>57</sup> On a macro level, Airbnb guests spent over \$753 million in NSW in 2015-16, and added \$512 million to the NSW economy by supporting jobs in regional and urban areas.<sup>58</sup> Further, Airbnb guests spent on average 54 per cent more than traditional tourists per night in NSW.<sup>59</sup> BIS Shrapnel estimate that in 2014, STHL produced \$1.3 billion in economic activity in NSW.<sup>60</sup> On a micro level, Stayz hosts in aggregate generate more than \$100 million in personal income annually,<sup>61</sup> while in 2015-16 Airbnb hosts generated a median income of \$4470.<sup>62</sup>

#### 2. Other benefits

Miller argues that the sharing economy can benefit local governments and their communities.<sup>63</sup> This is true of NSW, where STHL provides three key benefits to coastal, suburban and regional communities.

Firstly, STHL is more widely spread than the traditional holiday accommodation sector. Stayz' focus is on regional areas,<sup>64</sup> while Airbnb's reach extends beyond the central business district and inner suburbs, to suburban and regional areas.<sup>65</sup> Daniel Guttentag, of

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<sup>52</sup> Gurran and Phibbs, above n 35, 85.

<sup>53</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 15.

<sup>54</sup> Gurran and Phibbs, above n 35, 85.

<sup>55</sup> Miller, above n 13, 160.

<sup>56</sup> Christopher Pearce, 'The Search for a Long-term Solution to Short-term Rentals: The Rise of Airbnb and the Sharing Economy' (2016) 35(2) *The University of Tasmania Law Review*, 58, 75.

<sup>57</sup> It is acknowledged that Airbnb engaged Deloitte to conduct the report, so the figures presented are viewed with that in mind.

<sup>58</sup> O'Mahony above n 20, 24.

<sup>59</sup> Ibid 16.

<sup>60</sup> BIS Shrapnel, 'Economic Impact of the Hotel Rental Industry' (2014) in Christopher Pearce, 'The Search for a Long-term Solution to Short-term Rentals: The Rise of Airbnb and the Sharing Economy' (2016) 35(2) *The University of Tasmania Law Review*, 58, 75.

<sup>61</sup> Stanish (Stayz), above n 22.

<sup>62</sup> O'Mahony above n 20, 36.

<sup>63</sup> Miller, above n 13, 159.

<sup>64</sup> Stanish (Stayz), above n 22.

<sup>65</sup> O'Mahony above n 20, 27.

the University of Waterloo in Canada, argues that because STHL properties are more scattered than traditional forms of accommodation, guests may disperse their spending in communities that do not typically receive much tourist expenditure.<sup>66</sup>

Secondly, where holiday houses would otherwise be left vacant for parts of the year, owners may rent their properties out on a short-term basis. So, communities stay vibrant whilst owners are away. Not only is this nice for the local community, but it ensures NSW's housing stock is being used efficiently.

Thirdly, the flexibility of STHL creates new opportunities for certain destinations.<sup>67</sup> Some regional and coastal areas infrequently host events, or have short tourist seasons, making traditional holiday accommodation unsustainable. STHL, however, can absorb an influx of tourists at irregular peak times. For example, in 2016 radio station Triple J hosted a music festival in the remote town of Geraldton. To absorb the 7000 guests, Geraldton's news provider issued a press release urging locals to list their homes on Airbnb to support the influx of visitors.<sup>68</sup>

Pearce argues that because STHL presents a valuable economic contribution, it should not be unduly regulated.<sup>69</sup> Miller similarly argues that local governments should consider the unprecedented opportunities that the sharing economy provides, and avoid being too 'worried about runaway market growth of an unregulated economy'.<sup>70</sup> Given that any costs of STHL were not substantiated by councils, it would be unwise to impose regulation that could hinder the benefits that STHL evidently provides to low-rise residential areas.

### **STHL should operate freely and uniformly across NSW**

The LA Committee found that STHL is a low impact activity,<sup>71</sup> meaning it has minimal environmental impact and does not reduce amenity in the majority of NSW communities. This finding, in conjunction with the conclusion in Part III, and the fact that STHL brings economic and other benefits to NSW, means the Government should allow STHL to operate across the State.

To operate effectively a consistent definition of STHL should be implemented. In *Dobrohotoff v Bennic*,<sup>72</sup> the NSW Land and Environment Court (LEC) found that renting out a property for the purpose of STHL is prohibited under the *Environmental and Planning Assessment Act 1979 (EPA)*. This result was partly due to a lack of definition of STHL in the PLEP, forcing the LEC to find that STHL did not fall within the definition of 'dwelling', and therefore, that STHL requires development consent to operate in residential areas.<sup>73</sup> It is now widely accepted that NSW lacks a uniform definition of STHL, and that this should be addressed.<sup>74</sup> A definition in line with the suggestion in the Department's Options Paper would be

<sup>66</sup> Guttentag, above n 27, 1207.

<sup>67</sup> Ibid 1208.

<sup>68</sup> Everything Geraldton, 'List your Home for the Triple j One Night Stand weekend (Press Release, 17 March 2016).

<sup>69</sup> Pearce, above n 56, 75.

<sup>70</sup> Miller, above n 13, 157.

<sup>71</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 56.

<sup>72</sup> *Dobrohotoff v Bennic* [2013] NSWLEC 61.

<sup>73</sup> Ibid [100].

<sup>74</sup> NSW Department of Planning and Environment and NSW Fair Trading, above n 2, 18.

appropriate,<sup>75</sup> provided ‘short term’ is defined. For example, an appropriate definition could be: *temporarily renting out a residential dwelling, or part of a dwelling, for less than three months, for the purposes of visitor accommodation.*

**Recommendation 2:** Amend the Standard Instrument – Principal Local Environmental Plan to include a definition of STHL.

Following *Dobrohotoff v Bennic*, Gosford Council amended its Local Environment Plan to require development consent for STHL.<sup>76</sup> Some councils followed suit,<sup>77</sup> whereas others did not. Shoalhaven Council does not require development consent for STHL if it does not interfere with the amenity of the neighbourhood.<sup>78</sup> The LA Committee found that such inconsistencies between councils results in confusion regarding the status of STHL under planning laws.<sup>79</sup> The LA Committee suggests that for clarity, STHL should be regarded as a residential use, and should not require separate development consent.<sup>80</sup>

Under the EPA an environmental planning instrument may provide that an activity is an exempt development if it has minimal environmental impact.<sup>81</sup> Given that STHL was found to be a low impact activity, it should be classed as an exempt development under the EPA. This means that STHL will not require development approval.<sup>82</sup> Importantly, any amendment in the PLEP and its associated instruments must apply uniformly to all NSW councils. This can be achieved by amending the PLEP and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, which apply to all areas of NSW.<sup>83</sup>

**Recommendation 3:** Amend the Standard Instrument – Principal Local Environmental Plan and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to make STHL an exempt development.

### Party houses should be regulated

Party houses have the ability to decrease amenity in low-rise residential areas. Specifically, Byron Shire Council experiences heightened negative effects of STHL compared to other local areas.<sup>84</sup> This is because Byron Bay is a popular holiday destination, where typically large groups (including groups of young people, or ‘schoolies’) rent entire homes or ‘party houses’ resulting in undue noise, drunken behaviour and traffic and parking congestion.<sup>85</sup> There is also evidence that party houses are a problem in other areas, for example, the Gosford property considered in *Dobrohotoff v Bennic* was described as being rented for

<sup>75</sup> Ibid .

<sup>76</sup> Pearce, above n 56, 63.

<sup>77</sup> Ibid.

<sup>78</sup> *Shoalhaven Local Environmental Plan 201* (NSW) cl 7.13.

<sup>79</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 22.

<sup>80</sup> Ibid 18-19.

<sup>81</sup> *Environmental and Planning Assessment Act 1979* (NSW), s 76.

<sup>82</sup> Ibid.

<sup>83</sup> *Standard Instrument – Principal Local Environment Plan* (NSW), schedule 2; *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, cl 1.4.

<sup>84</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 15.

<sup>85</sup> Gurran and Phibbs, above n 35, 85.

'bucks and hens nights, parties or for the use of escorts or strippers...'.<sup>86</sup> If properties are solely rented as party houses, there can be significant strain on neighbouring properties. However, such issues are isolated to particular areas of the State.

In Queensland, party houses are defined and regulated separately to STHL. The State has implemented 'opt in' party house provisions, meaning that councils can adopt the provisions if party houses are an issue in their local area. Under section 276 of the *Planning Act 2016* (QLD), a party house is defined as a dwelling that:

- ... is used to provide, for a fee, accommodation or facilities for guests if—
- (a) guests regularly use all or part of the premises for parties (bucks parties, hens parties, raves, or wedding receptions, for example); and
- (b) the accommodation or facilities are provided for a period of less than 10 days; and
- (c) the owner of the premises does not occupy the premises during that period.<sup>87</sup>

Under this section, a council may (amongst other things) require development approval for party houses,<sup>88</sup> enabling councils to approve party houses only if certain conditions are met. The Gold Coast Council compels hosts to comply with the requirements set out in the party house code before they can operate a party house.<sup>89</sup> The code requires, for example, that a party house only operate within certain areas and at certain times.<sup>90</sup>

Similar provisions could be adopted in NSW. Defining and regulating party houses separately to STHL will ensure the benefits of STHL can accrue to NSW, without the negative externalities caused by party houses in certain areas of the State.

**Recommendation 4:** Amend the Standard Instrument - Principal Local Environment Plan to include a definition of 'party house'.

**Recommendation 5:** Introduce non-mandatory party house provisions so that development consent is required for party houses to operate in NSW.

<sup>86</sup> *Dobrohotoff v Bennic* [2013] NSWLEC 61 [44].

<sup>87</sup> *Planning Act 2016* (QLD), s 276(5).

<sup>88</sup> *Ibid* s 276(1).

<sup>89</sup> *Temporary Local Planning Instrument No 3 (Party Houses) 2017* (QLD), Schedule 2.

<sup>90</sup> *Ibid*.

## V: Externality three – loss of amenity in strata developments

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### Loss of amenity in strata developments is a real concern

The LA Committee reports that the evidence received by strata residents in relation to STHL was ‘real, serious and disturbing’.<sup>91</sup> The Committee find that the loss of amenity in strata developments due to STHL is exacerbated because of the nature of common property and the proximity of residents.<sup>92</sup> The types of issues faced by residents may include: excessive wear and tear on common property with increased usage; increased repair and maintenance costs; breach of building security and garbage disposal issues.<sup>93</sup>

The view that STHL causes problems in strata developments is widely held: the Grattan Institute found that problems associated with STHL are most acute in apartment buildings, and that short-term renters attract three times as many complaints as long-term renters;<sup>94</sup> Gurran and Phibbs report that residents in apartment buildings express more specific complaints about short-term guests than those in low-rise residential areas;<sup>95</sup> Miller points out that any issues that arise between neighbours in relation to STHL are heightened in multi-unit building complexes;<sup>96</sup> and Pearce notes that the practice of short-term letting could create problems for the owners of neighbouring properties.<sup>97</sup> This consensus demonstrates that STHL causes a loss of amenity in strata developments. So, ‘there is a problem that exists’,<sup>98</sup> and regulation may be justified to address this externality.

### Owners corporations should regulate STHL

Under the *Strata Schemes Management Act 2015* (SSMA) owners corporations are responsible for the management of strata schemes.<sup>99</sup> One significant power of an owners corporation is that it can make by-laws which bind lot owners and any tenants or occupiers of lots.<sup>100</sup> Cathy Sherry, Associate Professor of Law at the University of New South Wales, describes the owners corporation ‘as a mini legislature with a power to write and amend the laws that govern the scheme’.<sup>101</sup> Given all lot owners are automatically members of the owners corporation who can vote on by-laws, ‘internally, strata and community schemes have a democratic structure and *ideally* operate as mini-democracies’.<sup>102</sup> Arguably owners corporations are legal entities that manage the building and even act as a ‘fourth tier of urban governance’.<sup>103</sup>

Given the law-making abilities of owners corporations, there is scope for owners corporations to regulate STHL through by-laws. However, owners corporations derive their

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<sup>91</sup> Legislative Assembly Committee on Environment and Planning, above n 6, 19.

<sup>92</sup> Ibid 10.

<sup>93</sup> Karen Stiles (Owners Corporation Network) Submission No 191 to the Legislative Assembly Committee on Environment and Planning, *Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales*, 11 November 2015.

<sup>94</sup> Minifie, above n 1, 26-27.

<sup>95</sup> Gurran and Phibbs, above n 35, 86-87.

<sup>96</sup> Miller, above n 13, 181.

<sup>97</sup> Pearce, above n 56, 70-71.

<sup>98</sup> NSW Better Regulation Office, above n 11.

<sup>99</sup> *Strata Scheme Management Act 2015* (NSW), s 9.

<sup>100</sup> Ibid s 135.

<sup>101</sup> Cathy Sherry, *Strata Title Property Rights Private governance of multi owned properties* (Routledge, 2017), 48.

<sup>102</sup> Ibid.

<sup>103</sup> Bill Randolph and Hazel Easthope, ‘Governing the Compact City: The governance of strata title developments in Sydney’ *Sustainable Urban Areas International Conference* (Rotterdam, 25-28 June 2007), 3.

power from statute, so the SSMA must be drafted in a way that enables owners corporations to make by-laws with respect to STHL.

### The SSMA currently disallows by-laws that regulate STHL

The SSMA provides that ‘by-laws may be made in relation to the management, administration, control, use or enjoyment of the lots or the common property ... of a strata scheme’.<sup>104</sup> This is a wide power, and as Sherry points out ‘it is hard to think of any activity that can occur in a strata or community development that does not fit this description...’.<sup>105</sup> There are some limits to this power. Section 139 of the SSMA disallows by-laws that ‘prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing relating to a lot’.<sup>106</sup> This means that owners corporations are unable to make by-laws that restrict apartment owners from *leasing* their properties.

In the recent case of *Estens*,<sup>107</sup> the NSW Civil and Administrative Tribunal (NCAT) found that section 139 renders any by-law prohibiting or restricting STHL invalid.<sup>108</sup> In *Estens* an owner of a lot in Woollahra rented her home through Airbnb while she travelled interstate and overseas. NCAT found that because she was not present during her guests’ stays, she was granting exclusive possession of her apartment to her guests, and therefore, giving her guests a leasehold interest over her apartment.<sup>109</sup> So, her use of STHL fell within the meaning of ‘lease’ as it appears section 139. The Victorian Supreme Court has also found that STHL should be properly characterised as a lease.<sup>110</sup> Accordingly any by-law regulating STHL of entire premises will likely be rendered invalid under section 139.

In cases where a host is present during their guests’ stay, the act of STHL arguably meets the definition of a ‘licence’ rather than a ‘lease’, and so may not be captured by section 139.<sup>111</sup> This is because where the host is present, they retain possession of the premises, and merely allow their guests access to certain areas for a certain time.<sup>112</sup> However, in *Estens*, NCAT found that ‘it is likely that a licence would also be covered in the use of the word devolution [in section 139]’.<sup>113</sup> So, on this finding any form of STHL – whether the host is present or not – falls within section 139. The end result is that owners corporations are unable to regulate STHL through by-laws. This should be changed.

**Recommendation 6:** Amend the *Strata Schemes Management Act 2015* so that owners corporations can make by-laws restricting and/or prohibiting STHL in certain circumstances.

<sup>104</sup> *Strata Scheme Management Act 2015* (NSW), s 136(1).

<sup>105</sup> Sherry, above n 101, 124.

<sup>106</sup> *Strata Scheme Management Act 2015* (NSW), s 139(2).

<sup>107</sup> *Estens v Owners Corporation SP 11825* [2017] NSWCATCD 52.

<sup>108</sup> *Ibid* [24].

<sup>109</sup> As NCAT points out, a grant of exclusive possession is an indicator that a lease exists. See *Estens v Owners Corporation SP 11825* [2017] NSWCATCD 52, [22]-[23].

<sup>110</sup> *Swan v Uecker* [2016] VSC 313 [75].

<sup>111</sup> David Sachs and Kye Tran-Tsai, ‘Residential Short-Term Letting: Is it above board?’ (2016) 28 *Law Society Journal* 84, 84.

<sup>112</sup> *Ibid*.

<sup>113</sup> *Estens v Owners Corporation SP 11825* [2017] NSWCATCD 52, [23].

## Owners corporations' power should be limited

Sherry finds that not only has the legislature created a wide power for owners corporations, but courts and tribunals have been reluctant to implement any rules or limitations on this power.<sup>114</sup> On one hand, this is acceptable because owners corporations can be democratic and their law-making powers are restricted to the land on which the strata scheme sits. However, by-laws are a form of land law, so the benefits and burdens created through by-laws attach to the land itself (*rights in rem*), rather to an individual owner or occupier of the land (*rights in personam*). This means that by-laws are not time limited. So, future owners of strata lots must comply with by-laws created by previous owners. Putting this into context, if today's lot owners are given the legislative power to restrict STHL because of one lot owner's annoying guests, then all subsequent lot owners will be unable to use STHL even if that lot owner with annoying guests no longer owns property in the strata scheme.<sup>115</sup>

Moreover, owners corporations make by-laws based on self interest.<sup>116</sup> This means firstly, lot owners are not required to consider the well-being of other lot owners when making by-laws.<sup>117</sup> Hence, it is perfectly acceptable for lot owners to vote on by-laws in accordance with their own values and desires. In *Estens*, one lot owner campaigned for by-laws restricting STHL because guests 'were sitting on the deck outside unit 1 relaxing with a beer and she felt uncomfortable, as they were strangers apparently watching her'.<sup>118</sup> To some, this concern may seem trivial, but it was well within that lot owner's right to vote on the by-law merely because she felt uncomfortable. Secondly, owners corporations are not required to consider non-lot owners' interests when making by-laws.<sup>119</sup> As such, STHL could be restricted by owners corporations without considering whether that land use is beneficial for the local area or State. When the Victorian Civil and Administrative Tribunal rendered a by-law that prevented STHL invalid, the presiding Member pointed out that the task of prohibiting certain land uses is best left to planning authorities, rather than owners corporations.<sup>120</sup> This is because STHL could become overly regulated in areas dense with strata developments. So, the economic benefits that flow from STHL may not be realised in areas where strata lot owners have voted to restrict STHL.

Furthermore, Singer argues that property laws should be understood as forming part of a social system,<sup>121</sup> and that the exercise of property rights can impose externalities on individuals and neighbourhoods.<sup>122</sup> That is, regulating certain behaviours on parcels of land has wide-reaching effects, especially where that regulation impedes others' freedoms. As such, Singer argues that those who regulate property must consider the effect that their laws will have on others.<sup>123</sup> So, owners corporations, when regulating property, should consider how their by-law will affect other lot owners, and indeed, non-lot owners. On Singer's construction, decisions about by-laws should 'not merely rest on quantitative comparisons of

<sup>114</sup> Sherry, above n 101, 130.

<sup>115</sup> Future lot owners will have the ability to amend the by-laws, but this will require a resolution to be passed by the entire owners corporation. This is both an administrative burden, and may create internal political divisions between neighbours – which may be undesirable for a new lot owner.

<sup>116</sup> Randolph and Hazel, above n 103, 19.

<sup>117</sup> Sherry, above n 101, 166.

<sup>118</sup> *Estens v Owners Corporation SP 11825* [2017] NSWCATCD 52, [10].

<sup>119</sup> Sherry, above n 101, 166.

<sup>120</sup> *Owners Corporation PS501391p v Balcombe* [2015] CVAT 956, Member Rowland [58].

<sup>121</sup> Singer, above n 17, 1048.

<sup>122</sup> *Ibid* 1029.

<sup>123</sup> *Ibid* 1048.



costs and benefits but on qualitative judgments about the contours of a free and democratic society that treats each person with equal concern and respect'.<sup>124</sup> On this view, lot owners should consider whether it is *democratic*, *equal* or *respectful* to prohibit another lot owner from engaging in STHL, or to restrict guests from visiting their local area.

Without appropriate limitations on owners corporations' by-law making power, the above considerations are unlikely to be given appropriate, if any, weight. So, given the long-term, self-interested and wide reaching nature of by-laws, owners corporations' power to regulate STHL should be limited in *at least* three ways.

### 1. *Three strike rule*

STHL should only be regulated if there are repeated disturbances to neighbouring lots. Victoria recently proposed an Owners Corporation Amendment Bill 2017 (*Victorian Bill*), which would introduce a 'three strike rule' in relation to STHL.<sup>125</sup> Under the Bill, owners corporations could serve notices on lot owners where their guests caused *recognised* disturbances to other lot owners.<sup>126</sup> Recognised disturbances would include the creation of excessive noise, obstructing common property and/or substantially damaging common property.<sup>127</sup> Where lot owners were served a notice on at least three occasions within 24 months, a tribunal could have made an order prohibiting STHL in that lot.<sup>128</sup>

A similar 'three strike rule' could be considered in NSW. However, the power to prohibit or restrict STHL should rest with the owners corporation, rather than with NCAT. This will enable owners corporations to democratically vote to restrict or prohibit STHL, rather than giving this power to an unelected tribunal. However, owners corporations should be enabled to restrict STHL *if and only if* lot owners (hosts) have been notified on at least three separate occasions that their guests are causing disturbances. This will ensure that owners have adequate notice that their guests are disturbing neighbouring lots, and have the opportunity to make changes, such as updating their 'house rules'. Further, the disturbances should be of a nature that is recognised in law, such as those listed in the Victorian Bill. This will ensure that the disturbances are not trivial, but cause a real loss of amenity to the strata scheme.

**Recommendation 7:** Allow owners corporations to restrict or prohibit STHL only where a lot owner has been notified on three separate occasions that their guests are causing disturbances of a recognised type.

### 2. *Tribunal oversight*

NCAT may make orders and settle disputes about matters relating to the operation and management of an owners corporation.<sup>129</sup> Under section 150 of the SSMA, NCAT can invalidate by-laws if the by-law was made without power or is harsh, unconscionable or

<sup>124</sup> Joseph Singer, 'How Property Norms Construct the Externalities of Ownership' (2008) *Harvard Public Law Working Paper*, 19 <ssrn.com/abstract=1093341>.

<sup>125</sup> Owners Corporation Amendment Bill 2016 (Vic). Note that the Victorian Bill was referred to the Victorian Legislative Council Environment and Planning Committee for consideration; it has not yet (and may never) come into effect.

<sup>126</sup> Owners Corporation Amendment Bill 2016 (Vic), clause 159D.

<sup>127</sup> Ibid clause 159A.

<sup>128</sup> Ibid clause 169D.

<sup>129</sup> *Strata Scheme Management Act 2015* (NSW), Part 12.

oppressive.<sup>130</sup> For clarity, NCAT should be empowered to strike down by-laws restricting or prohibiting STHL if the 'three strike rule' has not been followed. NCAT will therefore act as an oversight body that reviews decisions,<sup>131</sup> rather than a law-making body as was suggested in the Victorian Bill.

**Recommendation 8:** Clarify that the NSW Civil and Administrative Tribunal can strike down by-laws restricting or prohibiting STHL if the 'three strike rule' has not been followed.

### 3. *Sunset clause*

As noted, by-laws are not time limited, meaning that subsequent lot owners are affected by the decisions of previous lot owners. To mitigate the potentially unfair and restrictive nature of this, by-laws regulating STHL should have effect for a limited number of years. This will give new generations of lot owners the ability to choose whether STHL is appropriate or not.

**Recommendation 9:** Mandate that by-laws restricting or prohibiting STHL include a sunset clause.

### **STHL hosts should be charged higher levies**

A common way to internalise negative externalities is to tax the behaviour that results in the externality, and use the revenue raised from that tax to alleviate the impact of the activity. This is known as a 'Pigouvian tax'.<sup>132</sup> Importantly, these types of taxes were proposed specifically to deal with negative externalities.<sup>133</sup> There is scope for owners corporations to impose Pigouvian taxes (or more appropriately, 'Pigouvian levies') within strata schemes.

Currently, under section 83 of the SSMA owners corporations can require that levies are paid in respect of each lot 'in shares proportional to the unit entitlements of their respective lots'.<sup>134</sup> This means that lot owners are required to pay certain levies, regardless of whether their use of the lot causes more or less strain on the common property. Under section 82 of the SSMA, individual lot contributions may be increased if the use of a particular lot will increase the insurance premiums payable for the strata scheme.<sup>135</sup> A similar provision should be introduced in relation to STHL so that owners corporations can charge higher levies where lot owners engage in STHL. However, the extra revenue should be spent on mitigating or rectifying the negative externalities that result from STHL. This will have the effect of a Pigouvian tax, and so internalise any negative externality that results from STHL in strata schemes.

Moreover, a 'Pigouvian levy' would discourage owners corporations from unnecessarily, or unfairly, restricting or prohibiting STHL through by-laws. Currently, only hosts and their guests benefit from STHL, and as discussed, neighbouring lot owners may suffer losses

<sup>130</sup> Ibid s 150.

<sup>131</sup> This is what NCAT is designed to do. See *Civil and Administrative Tribunal Act 2012* (NSW), s3.

<sup>132</sup> Hubbard Garnett and Lewis O'Brien, *Microeconomics* (Pearson, 2<sup>nd</sup> ed, 2012), 449.

<sup>133</sup> Ibid.

<sup>134</sup> *Strata Scheme Management Act 2015* (NSW), s 83.

<sup>135</sup> Ibid s 82.

from STHL. However, by implementing a 'Pigouvian levy', non-host lot owners will be compensated for the loss imposed by STHL, and benefit from the increased funds allocated to the maintenance of the common property. As a result, lot owners may be more accepting of STHL, and be less inclined to restrict or prohibit STHL.

**Recommendation 10:** Amend the *Strata Schemes Management Act 2015* so that owners corporations can charge higher levies where a lot owner uses their lot for STHL, provided that the increased levies are used to mitigate or rectify damage caused by STHL.

## VI: Conclusion

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This submission has made ten recommendations for the NSW Government in relation to STHL in NSW. Ultimately, it has found that STHL should be allowed to operate freely across the State, notwithstanding some government regulation to mitigate the negative effects of 'party houses'. It has also found that owners corporations could be empowered to make by-laws that regulate STHL, only if that power is subject to legislative limitations and tribunal oversight. Fundamentally, STHL is here to stay. It is appropriate that the NSW Government work alongside, rather than against, providers of STHL to ensure individual constituents, business owners and the NSW economy reap the benefits that STHL can provide to the State while ameliorating loss of amenity.

# Summary of recommendations

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The NSW Government should:

**Recommendation 1:** Commission research to ascertain what effect STHL has on the long-term rental market in NSW.

**Recommendation 2:** Amend the Standard Instrument – Principal Local Environmental Plan to include a definition of STHL.

**Recommendation 3:** Amend the Standard Instrument – Principal Local Environmental Plan and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to make STHL an exempt development.

**Recommendation 4:** Amend the Standard Instrument – Principal Local Environment Plan to include a definition of ‘party house’.

**Recommendation 5:** Introduce non-mandatory party house provisions so that development consent is required for party houses to operate in NSW.

**Recommendation 6:** Amend the *Strata Schemes Management Act 2015* so that owners corporations have the power to make by-laws restricting and/or prohibiting STHL.

**Recommendation 7:** Allow owners corporations to restrict or prohibit STHL by implementing a ‘three strike rule’.

**Recommendation 8:** Clarify that the NSW Civil and Administrative Tribunal can strike down by-laws restricting or prohibiting STHL if the ‘three strike rule’ has not been followed.

**Recommendation 9:** Mandate that by-laws restricting or prohibiting STHL include a sunset clause.

**Recommendation 10:** Amend the *Strata Schemes Management Act 2015* so that owners corporations can charge higher levies where a lot owner uses their lot for STHL, provided that the increased levies are used to mitigate or rectify damage caused by STHL.

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allowed Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don't include any caps on nights at all.

Section 7: Registration or Licensing - A registration or licensing system such as fees to share your own home would have a negative impact on home sharing. 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.

Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and this would be a step backwards for NSW.

To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Aimee gjeci

4188

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Nikolin Gjergji

4189

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

I wish to support the following options:

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Andrea Glasson

4190



Dear NSW Government,

As a single female, I prefer to stay with another woman hosting me in a new place for social and support reasons.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Suzy Gneist

4191

Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with 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.

I wish to support the following options:

Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

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I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Leanne Goggin

4192

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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Sunitha

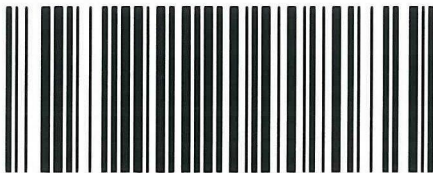
Name: Rosemary Goldman

I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners. (You might like to add a personal message for the review here based on your own experience as a homeowner or guest.) I think all HOME OWNERS and renters should be allowed to home share their own principal residences and holiday homes without restrictions.

What I DO NOT agree with is the trend of non owners to have a hold on several apartments or houses and sub-let these properties on the short term probably without the knowledge of their landlords and without any regard to personal contact to the guests. Probably also not covered by any insurances.

I think all listings on stayz and airbnb should be accompanied by a rates notice

4194



PCU072591

The Owners – Strata Plan No 2707  
ABN 23 100 703 383  
Admiralty Gardens  
5&7 Peel Street  
Kirribilli NSW 2061



**Submission re Airbnb in relation to Strata Schemes**

Just as the model by-laws in Schedule 3 of the Strata Schemes Management Regulation 2016 [NSW] allow a choice of options in relation to the Keeping of Animals (Reg 5) and Smoke Penetration (Reg 9), we earnestly entreat the NSW Government to provide strata schemes with the **option to allow or disallow** short-term letting such as in respect of Airbnb and otherwise. Admiralty Gardens includes in its By-Laws the following:

**Special By-Law 18: Short-Term Lets**

(Adopted 18 March 2008; registered 24 April 2008 by dealing AD909651)

1. An owner or occupier of a lot may not use the lot or allow it to be used as a serviced apartment, or for hostel or backpacker accommodation.
2. An owner or occupier of a lot may not use the lot or allow it to be used for a purpose or in a manner contrary to any applicable environmental planning instrument under the Environmental Planning & Assessment Act 1979 or successive legislation.
3. An owner or occupier of a lot may not advertise that the lot is available for a purpose or is available for use in a manner referred to in or proscribed by this By-law.
4. The minimum period for leasing of a lot shall be six (6) months.

This By-Law was adopted with no vote being cast against and to date has not been challenged directly. We request that government take relevant action so that this Special By-Law remains effective.

Admiralty Gardens has suffered instances of poor behaviour and recently was the victim of tagging on our rooftop observation deck by graffiti artists who gained illicit entry. In response, we have tightened security progressively and prefer to be in the position that the identity of an invitee is well-known to a resident or the subject of specific personal invitation. We doubt that Airbnb clients are so qualified.

Airbnb clients are more or less here today and gone tomorrow with no long-term responsibility for the care of a building or to the quiet enjoyment of its strata community. We are not a hotel; we do not have front-of-house desk staff or night-duty staff available on the spot to deal with a problem that might arise. There is no visitor parking available or porte-cochere arrangement where unloading of luggage might be facilitated.

Admiralty Gardens and its sister building, Clifton, are co-located toward the eastern end of the spine of the Kirribilli peninsula directly opposite the Opera House and are clearly visible from that vantage point. While neither building is iconic, they are of sufficient prominence to be vulnerable to terrorist action aimed at creating a “show” in circumstances where truly iconic buildings are now subject to stringent security. Our assessment of risk gives weight also to our proximity to Admiralty House and Kirribilli House.

For these several reasons, we reiterate our earnest request that Admiralty Gardens with all other strata schemes **be empowered to allow or disallow** short-term lets to accord with the best interests, safety and quiet enjoyment of the particular strata community as judged and determined by that community.

*M.A. Goldrick*

Margaret Goldrick  
Strata Committee Member

08 October 2017

*Kevin Troy*

Kevin Troy  
Chairman of Strata Plan 2707

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

Local hosts also negate the anonymity one can feel when using hotel accommodation.

AirBNB hosts offer flexibility and personalised service favoured by many travellers.

I wish to support the following options:

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I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Goldsmith Anne

4196



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Michelli Goncalves

4197

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I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Samara Goode

Dear NSW Government,

As a guest who has travelled through out NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments . I travel both for business and leisure and a such am always aware of costs and budgets as well as convenience.

I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller.

We need to ensure NSW is at the forefront of the tourist and business travel community, we don't want more regulation, and the associated increased cost of compliance where it is not needed. New South Wales was lagging behind the other states for many years in attracting the tourist dollar.

This is now changing back to where New south Wales is a leader in this area. More Red tape and associated costs that go with this won't help.

Airbnb has become a very cost effective and traveller friendly way of exploring the State, being a local, eating at the local restaurants. The Govt should be helping not hindering local businesses and enterprises that bring more tourists and hence more tourist dollar to our state.

Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities. As both a business and leisure traveller, to find these places is so important to ensure a positive work trip or leisure trip.

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Chris Goodman

4199

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Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Specifically I encourage the NSW Government to build a framework that encourages entrepreneurship and innovation, the velocity and application of money via the tourist dollar means that revenue stays almost exclusively with local owners and is retained within Australia for the benefit of all Australians and their government instrumentalities. Increasing regulation is at best a cost and never an amplifier of GDP, therefore regulation such as is proposed should be used to protect consumers when a problem exists not to create revenue for government.

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Gil Gordon

4200