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.

Bob Hayes

5501
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 privately manage several properties in the Casuarina and Kingscliff area for the owners. We make sure our guests abide by the Code of Conduct expected of short term holiday guests staying in residential areas including no parties, no loud music ever, quiet hours between 10pm and 8am every day, being respectful for parking and rubbish disposal. In general we also request that they just behave respectfully at all times. I also have a security back up in place and neighbours have the security contact number should they ever require or can contact me so I can call security. On the rare times we have had any incident with guests disturbing the peace the bond has been claimed and distributed to the neighbours who were affected by the noise.

5502
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.
We also use airbnb as it allows us to travel ,if the host allows, with our dogs, a facility most hotels do not have. This means we travel a lot more often contributing to the tourist economy. We also love the interesting and often quirky accomodation on offer

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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.

Paul Hopper

5503
8 October, 2017.

Director,
Housing Policy,
Dept. of Planning & Environment,
GPO Box 39,

Dear Sir,

Re: Short Term Holiday Letting in N.S.W. – Options Paper.

Please find attached a copy of a submission dated 28 September, 2017 earlier lodged by the “Cape Cabarita” Community Scheme DP270193.

The contents of that submission are fully supported by the owners of the 30 apartments in Strata Scheme SP63114 which forms part of that Community Scheme.

The decision made by the owners of SP63114 to introduce a By-Law prohibiting short term holiday letting was unanimous.

The Sydney Morning Herald of September 30 – October 1, 2017 contained a report on a NCAT decision that By-Laws, even when in line with Council residential – only zoning, are secondary to the strata law principle that they cannot “prohibit or restrict” the operation of a lot. That decision, if correct, raises a number of questions and issues for consideration.

Whilst the rights of an individual strata owner over the use of their apartment deserve protection from possible overreach by a majority of scheme owners, those rights should not be unfettered and there are in fact already many areas of use and behaviour in respect to which restricting By-Laws may be lawfully made.

The problem with short term letting is that the use is not restricted to the lessor’s apartment, but also allows short term holidaying tenants full access to the common facilities of the strata scheme – which those holidaying strangers are then entitled to share with all other apartment owners.

In our particular case, we are fortunate that the common facilities include tennis courts, swimming pools, gymnasium, sauna, BBQ areas and common showering and toilet facilities. The owners, who have invested significant amounts in the purchase of their apartments, are unanimous in their concern and anger at the possibility of the government allowing a situation whereby they may be regularly forced to share their privacy and those facilities with strangers who do not necessarily have the interests of the complex at heart, who are unfamiliar with the restrictions on use of facilities, and over whose possible misbehaviour they have little or no effective control.
The unanimity in the decisions by the three Strata Schemes and the Community Scheme (comprising 120 strata apartments and 82 town houses) in the passing of By-Laws prohibiting short term lettings, suggests that concern and anger is widespread.

From our perspective it appears that in protecting the rights of individuals to use their properties as they please, the government would in fact be permitting reverse discrimination against the majority of owners where tenants under short-term lettings are free to access common facilities and where all owners must bear the cost of damage to those common facilities and loss of privacy and security.

Our Strata Scheme therefore strongly supports the proposition that:

(a) existing legislation should be amended to give Community and Strata Schemes the power, if they so choose, to make By-Laws by special resolution prohibiting Short-Term Holiday Letting entirely within their Schemes; and

(b) that any proposal by the government to make such By-Laws illegal should provide a grandfather provision ensuring that existing By-Laws remain legal and enforceable by their respective community association or owners corporation.

Yours sincerely,

Albert Houston,
Chairman,
SP63114.

5504

(8.10.2017 – Chesapeake STHL Options Paper)
28 September, 2017

Director,
Housing Policy,
Department of Planning & Environment,
G.P.O. Box 39,

Dear Sir,

Re: Short-Term Holiday Letting in N.S.W. – Options Paper.

This submission is made on behalf of Community Scheme DP270193, known as "Cape Cabarita", at Phillips Street, Rosemeadow Drive and Jacaranda Drive, Cabarita, comprising 82 detached houses and town houses and 120 strata apartments in three Strata Schemes (SP 61542, SP 63114 and SP 65157).

The scheme is located adjacent to Parramatta River, within easy access to ferries, restaurants and shopping, and provides extensive shared amenities for residents comprising tennis courts, swimming pools, gymnasium, spa and sauna, gardens, village green and barbeque facilities.

The Community Association and the three Strata schemes are all strongly opposed to any dwellings within the complex being used for Short-Term Holiday Lettings and each has by special resolution introduced a By-Law which prohibits such activity. Such By-Laws make abundantly clear the attitude of owners to Short Term Holiday Letting within the complex.

As the options paper notes, there is a very clear difference between the impacts of Short Term Holiday Letting on free standing dwelling houses on the one hand and strata properties on the other.

In the case of owners of free standing houses outside of community schemes, the decision as to whether they engage in Short Term Holiday Letting activity on their property is entirely a decision for themselves and impacts no one else – absent excessive noise and "party house" style behaviour.

In the case of strata apartments, or houses within a community scheme, the potential for noise and party house impacts also exists but such impacts are greatly magnified by the proximity of neighbours and the higher proportion of Short-Term Holiday Letting listings where no host is present. There is also the additional concern about use (or misuse) of shared facilities against the wishes of the vast majority of owners who derive no benefit from the Short-Term Holiday Letting arrangements but bear the detriment of any misbehaviour and substantial additional wear and tear on their community assets.

The Community Association and its subsidiary Strata Schemes are firmly of the view that;

a) existing legislation should be amended to give Community and Strata Schemes the power, if they so choose, to make By-Laws by special resolution prohibiting Short-Term Holiday Letting entirely within their schemes; and

b) that any proposal by the government to make such by-laws illegal should provide a grandfather provision ensuring that existing by-laws remain legal and enforceable by their respective community association or owners’ corporation.
Whilst some may argue that such By-Laws would place undue restrictions on individual lot owners, the reverse side of the argument is that the rights of a few owners — and the impacts of their Short-Term Holiday Letting activities — can have an undue adverse impact on the overwhelming majority of owners whose own rights are impinged upon.

The idea that the rights of a small number of owners can override those of the majority would be quite inconsistent for example with the legislative provisions which allow for court ordered sale of strata schemes despite the objections of some owners.

The further argument for allowing By-Laws that prohibit Short-Term Holiday Letting is that it allows the strata schemes to take prompt enforcement action on their own initiative — contrary to the present situation where only local Council planning controls can prevent Short-Term Holiday Letting and Councils generally lack the immediacy of interest and action and are frequently not prepared to act unless some health or safety issue arises.

The potential options of Industry Self Regulation and Registration are seen as Claytons' solutions which would essentially allow problems with Short-Term Holiday Letting to fester and grow unchecked. They are therefore not supported.

The option of Planning Regulation may have some merit, but any proposed solutions must include the absolute right of Community and Strata Schemes to prohibit Short-Term Holiday Letting should they choose to do so.

Yours sincerely,

Geoff Duggan
Assistant Secretary Community Association  DP270193

5505
Dear Hon Mr. David Elliott

As my local member, I am writing to express concerns about the recent ruling re short term holiday letting: (https://www.domain.com.au/news/nsw-tribunal-overturns-bylaw-banning-woman-from-renting-her-apartment-on-airbnb-20170930-gyg2kc/)

Article titled: “Landmark decision: NSW tribunal overturns bylaw that banned woman from renting apartment on Airbnb”

This seems to be promote risks to other owners in Strata blocks. In my opinion, strata communities should be given the power to decide through by-laws whether or not STHL is allowed in their respective buildings. I recognise that strata living is shared living, where everyone has to work together to ensure the amenity of the building, meaning that all owners have to have a say. I have heard from many apartment residents concerned about party houses, amenity loss and safety concerns in their buildings caused by short-term letting.

I urge you to please escalate my concerns within NSW Government on the latest ruling which seems to embolden the likes of Airbnb to disregards the majority wishes of the Owner’s Corporation.

Best regards
Dilip K Khatri
5505
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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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.

Peter Kristensen

5506
Dear NSW Government,

To whom it may concern,

In my opinion the economy of rural and coastal NSW would be severely diminished if policies were adopted to prohibit or limit the provision of short term rental accommodation.

Below is a summary of money I spent in the Eurobodalla shire FY 2016-17.

All suppliers were local residents.

**CLEANING AND MOWING INVOICES 34 x $60**
**REPAIRS $1198 + $770**
**PAINTING $500 + $5,600**
**SCAFFOLD $1977**
**LOCAL SUPPLIES $670**
**TOTAL $12,755**

As well as the above expenditure in the region all the guests who visited the house would have spent a minimum of $10/day for supplies and services from local businesses.
Approximately 121 days of accommodation were supplied with an average of 3 people per stay. $10 x 3 people x 121 days = $3,600

By choosing to put my capital into that region I am also a rate and utilities payer so local government agencies receive approximately $4000 per annum.

My short term rental contributes a conservative average of $20,000 into the region’s economy.

I have chosen to put my capital into the region for approximately 15 years. The short term rental model is the only attractive model by which I would retain my capital investment in the region. I enjoy the flexibility of renting and occupying at my discretion.

In the region in which I am an investor there are limited commercial entities offering accommodation. It is a difficult economic proposition for a commercial entity to hold their capital in commercial accommodation for limited seasonal occupany.

Property held by short term rental accommodation providers attracts several federal taxes when income is derived and state land tax when values are above the Land Tax threshold.

Using the housing stock as short term rental accommodation rather than a full time offering for rental has a positive effect on full time occupancy rates for investors in regional and coastal economies. It may be that the limiting of short term rental accommodation would have the negative effect of creating a crash in full time rental returns and a consequent withdrawal by investors. A crash in the value of all properties in the areas affected would be a risk.

I understand there are noise and behavioural issues associated with some short term rental situations. Those guests are quickly identified by the intense review and rating processes utilised by Host agencies.

Restrictions based on reputation on those individuals may be more appropriate than penalising investors and diminishing economic activity in a region.
I submit that a requirement on Real Estate agencies to align with host agencies’ guest rating and review processes would assist in diminishing unwanted elements in the short term accommodation market. Real Estate agencies would have to pay for the implementation of these systems. Visibility to investors in regard to this feedback would have to be mandatory. Costs would inevitably be passed on to guests via the agencies and the property investors but that makes it a user pays system which protects the social capital of a region.

I submit that limitations or prohibitions should be applied to short term accommodation under body corporate governance - if only out of respect for fellow occupants. This State wide rule would be a mechanism by which one rule would be ubiquitous across the jurisdiction but would have greatest effect in areas of high population density.

I submit that demonstration of the appropriate Landlord insurance be the limit of any other restrictions.

I submit that any additional fees imposed by state governments upon investors who choose to provide short term rental accommodation in rural and coastal economies will have the negative consequence of diminishing the transfer of wealth from centres of high population density to areas of low population density.

I submit that if the short term rental accommodation model was withdrawn as an option for me as an investor I would transfer my capital to a Superannuation fund. The withdrawal of capital by investors who enjoy the utility of this kind of investment would create downward pressure on house values and rental returns in areas of low population density as well as severely diminish the client base for local goods and services providers. This would widen the gap in prosperity between city and country.

Yours Sincerely

Stephen Little

5507
I am writing as a member of the public concerned about the NSW government’s proposals to overregulate Short-Term Home Lending (STHL) and the adverse impacts of these proposals on holidaying families, businesses, home owners, consumer choice, jobs, innovation and the tourist economy of New South Wales.

The STHL sector has contributed significantly to the tourism sector and tourist economy in recent years, buoyed by the growth of the ‘sharing economy’ and its innovative platforms.

STHL has a longstanding history in Australia since the 1900s and these platforms have simply made the process more efficient and transparent. As a result, they have allowed Australian families to supplement their household income while attracting tourists from all over the world to New South Wales and creating 40,823 Full-time jobs for Australians. Half of these fall within the regional economy where accommodation options have traditionally been limited. These platforms should be encouraged and facilitated as part of the government’s innovation agenda – not undermined.

I am concerned that heavy handed or punitive measures such as new taxes, draconian limits on how long a family can lend their home, mandatory development consent or a licensing regime telling Australians what they can or can’t do with their own home will only hurt the sector, cost jobs and harm businesses while driving tourists to other states and impinging upon private property rights.

Home lenders already pay income tax on their STHL earnings and innovative online platforms only make these earnings more transparent.

I believe that preventing the lending of secondary homes is also undesirable. When this measure was introduced in Berlin, Germany, it lead to a sharp drop in available STHL accommodation, a reduction in government income tax revenue as well as a significant increase in the prices of available accommodation – taking money out of visitors’ pockets which could be spent on local businesses. Such a reform would especially wreak havoc in our tourism-dependent regional economy.

If the government or traditional hospitality providers such as hotels are concerned about tax neutrality, the government should instead cut the significant red tape, zoning laws and taxes which burden these establishments – not punish their competitors and competitors’ customers.

I believe that non-coercive measures such as an industry code of conduct or community-focused measures such as allowing Strata associations to create by-laws for STHL accommodation offer a more sensible solution for addressing community concerns without the dire consequences of heavy-handed, anti-innovative options.

I urge you to do the right thing by avoiding any overregulation of the burgeoning and innovative STHL sector.

Thank you for considering my concerns on this vital matter.

Aaron Lydement

5508
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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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.

Thomas Mark

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Christine mcinerney

5510
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Jeanette Merritt

5511
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
- 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

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 PPPI 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.

<table>
<thead>
<tr>
<th>Name, Surname</th>
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<tbody>
<tr>
<td>Organisation</td>
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<td>Suburb</td>
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<td>E-mail Address</td>
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<tr>
<td>Date of Submission</td>
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</tbody>
</table>
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, same rules should apply

15 Could a licensing system for STHL work in NSW? If so, how might it operate?
- Yes - levy owners to use the funds to “police” enforcement of laws

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).

<table>
<thead>
<tr>
<th>Potential Options</th>
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<tbody>
<tr>
<td><strong>INDUSTRY SELF REGULATION</strong></td>
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<tr>
<td>Code of conduct</td>
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<tr>
<td>Complaints management</td>
</tr>
<tr>
<td>Education</td>
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<td>Monitoring and reporting</td>
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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 other options not covered in the paper) can be chosen to suggest a policy framework for the STHL in the submission form.
Appendix 2 – Recommendations and Findings of the Legislative Assembly Committee
NSW Legislative Assembly Committee on Planning and Environment Report 1/56 – October 2016

Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales

Recommendations:

1. The Committee recommends that the NSW Government amends:
   • the Standard Instrument - Principal Local Environmental Plan to include a definition of short-term rental accommodation in the category of tourist and visitor accommodation
   • the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to allow short-term rental accommodation.

2. The Committee recommends that short-term letting of rooms in any property where the landlord or host is present be permitted as exempt development.

3. The Committee recommends that short-term letting of a principal place of residence be permitted as exempt development.

4. The Committee recommends that short-term letting of empty properties be permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as:
   • exempt development where the development does not exceed applicable impact thresholds; and
   • complying development where the development exceeds applicable impact thresholds.

5. The Committee recommends that the NSW Government investigates, in consultation with advocates for traditional accommodation operators, the impact of the growth of short-term rental accommodation on their industry, and identifies opportunities to reform current regulations.

6. The Committee recommends that the NSW Government participates in the management of the Holiday and Short-Term Rental Code of Conduct to ensure that it has a broadly-based management structure, including community representation, and increases its industry coverage.

7. The Committee recommends that the NSW Government develops a compliance system for short-term rental accommodation under the Environmental Planning and Assessment Act 1979 which considers:
   • the use of the investigative powers in Division 1C of the Act
   • streamlined development assessment (Complying Development Certificates)
   • the Holiday and Short-Term Rental Code of Conduct
   • ‘party house’ provisions.

8. The Committee recommends that the NSW Government prepares advice to councils and the community outlining the changes which will apply to short-term rental accommodation, and implements a communication and monitoring program.

9. The Committee recommends that local councils be responsible for communicating with all landowners about their rights and obligations.

10. The Committee recommends that the NSW Government considers amendments to strata regulations to give owners’ corporations more powers to manage and respond to adverse behaviour resulting from short-term letting in their buildings.

11. The Committee recommends that the NSW Government reviews the impact of short-term letting in the strata environment after no later than three years.

12. The Committee recommends that the NSW Government implements a program to collect data on the holiday industry generally, and short-term letting in particular, to assess the economic contribution of short-term letting and its impact on housing affordability and community viability.
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.

Clare O’Brien

5513
Dear Planning NSW,

as a property owner (in a strata tower block in … NSW) and resident of NSW I wish to express my views.

I do NOT support short-term holiday letting, as per Air BnB et al, becoming more common in NSW. I strongly believe that it should be banned altogether - certainly as a minimum each building/Strata group should be allowed to decide about this.

I, like others, purchased a property on the understanding that, as per the Sydney City Council DA approval for my building, short-term letting would NOT be allowed in any form. I expect this to remain the case. The loss of amenity, safety (knowing one's neighbours), respect for Common Property, cost of running a Strata Scheme - all these problems are exacerbated by short-term letting in residential properties.

Look around the world and see how many major cities are waking up to the blight caused by this activity - not least being the loss or properties for normal rental tenants to occupy - with all the protections of a standard (longer) lease. Our housing crisis is bad enough without Air BnB et al adding to it! - and all the while these multi-national companies are paying how much tax in NSW or Australia to pay for schools, hospitals, defence and so on ???

Finally, reading the newspaper online today I stumbled across a link from Air BnB to encourage the reader to lodge a submission to you in support of their case. For ordinary people, such as myself, it is much harder to find the way of lodging a submission. Air BnB appears to be a very powerful, well funded body.

Listen to us, the “little people” who live in these Strata buildings, whose homes are being severely impacted by short-term letting. We are the ones who pay local tax, we are the ones who contribute to communities, we (as “normal” landlords) provide stable long-term rental accommodation for the ever-growing body of citizens who need to rent, live and work in NSW.

Please do NOT allow more short-term holiday letting in residential buildings in NSW - and allow the owners/residents of each building, at least, to decide this matter.

having found and read your online document “Short-term Holiday Letting in NSW Options Paper July 2017, I would now like to make my submission as per the Questions listed on pages 26 and 27 of that document:

Introduction:

1. No.
2. No.
3. No.
4. Yes.
5. No.

Impacts Associated with STHL:

6. Noise - absolutely
   Waste - where left on Common Property, including animal waste (dog urine etc)
   Party Houses - disastrous in a Strata apartment building for noise, security and safety
   Parking - yes, but would need monitoring closely
   Hazards and Evacuation - absolutely: I live in 27th floor. Large numbers of excess people, who will probably not be aware of the local fire exits and so on - a disaster in waiting.
How to manage these risks: ban or severely limit STHL in Strata properties. The absolute maximum allowed should be an appropriate number of guests staying in an apartment with the owner present - NOT letting out the whole property with the owner absent. The owner is then present to take responsibility and ensure safety of guests and all other residents. Any significant breaches to result in that owner being disallowed from any further letting of that property and paying for any damages personally.

Self-Regulation:

7. Self-regulation of this industry is not appropriate - too open to abuse and non-compliance. All STHL properties should apply for a Development Application (DA) Consent from Local Council setting out rules and conditions, and the Local Council to ensure compliance. Any costs involved in this to be paid by the STHL property owner in full.

8. Barriers to effectiveness of self-regulation - Yes, the enormous power of multi-national corporations such as Air BnB, who in my opinion have thus far shown no real desire to comply with existing regulations. Also way in which less tech-savvy residents (such as the elderly, infirm and mentally-impaired people) will not have adequate representation and have their situations and rights safe-guarded.

STHL in Strata Properties:

9. Owners’ Corporations ability to ban STHL - Yes, absolutely, in whatever circumstances it deems necessary to ensure safety, security, cost-effectiveness of building management and amenity of building occupants who pay the Strata Fees.

10. Yes, again under whatever circumstances the Strata Body deems necessary as above.

11. No, see answer 8. above.

Regulation through the Planning System:

12. Anyone wishing to do STHL in their property should be required to lodge a DA thought their Local Council and have this assessed and approved (if appropriate) - and be made fully aware of their responsibilities. Council to deal with complaints and if necessary promptly revoke permission for STHL in the property.

13. All listed items should be specified. The host must ALWAYS be present (NOT away) to deal immediately with problems and ensure safety and compliance with rules allowing that STHL to occur. In Strata, each building should have the ability to decide and enforce aspects such as number of days per year, number of consecutive days, number of bedrooms and occupants and length of stay.

Registration or Licensing:

15. This could work, but would need to be done by Local Council or some other (State) Government authority with the power to enforce rules and ability to act quickly - full cost to be paid by owner of STHL property.
Summary of Options:

Top three (3):

1. Strata Regulation By-laws to prohibit STHL - absolutely, all Strata bodies must have this ability.
2. Development Approval - development consent to be necessary in all cases.
3. Regulate by whether the host is present when STHL takes place - host MUST be present in all cases.

Thank you.

Dr Stephen O’Callaghan

5514
Dear NSW Government,

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Julie O'Connor

5515
PERSONALLY, I WOULD FAIL THIS GOVERNMENT EFFORT: KEY COMMENTS ON THE OPTIONS PAPER ON SHORT-TERM HOLIDAY LETTING IN NEW SOUTH WALES (NSW)

Carol O’Donnell,

Seek global management approaches to short term and other letting: Everybody learn and everybody teach about key relationship on related ideal and particular grounds

The strata manager referred the government options paper ‘Short Term Holiday Letting in NSW’, to the strata committee of strata plan 10775, of which I am a member, living on the plot since 1994. Prior to that I lived in a collectively owned Glebe household since 1974.

As I pointed out first to the strata plan members, and now again more broadly:

‘From the perspective of the householder, owner or prospective tenant, occupancy in any place should be as flexibly open to use as possible, as long as any hazards it brings can be appropriately managed to reduce them’’. This is not just to house wandering or homeless people better but to benefit the total Australian population which government supposedly represents. This ideally includes key market drivers. One assumes the need for personal choice based on the status quo for related security reasons. Japan should not be forced to take in immigrants; I should not be forced to share my three storey Glebe town-house, etc. However, Australian government is loaded with irrational disincentives it could reverse.

The government discussion of short term holiday letter should focus on potential hazards, which may arise in any form of ownership and occupancy, short or long term, and how to manage them when they do arise, whatever they are. However, this cannot be done in increasingly professionalised isolation, or mandated window locks to stop kids falling from buildings may hinder those escaping them if they burn. Ideal management involves more holistic, global understanding of the place and people in it. Think globally, act locally, etc.

Given that short term letting is also impossible and perhaps dangerous for anyone living on the property to police, the main need is to provide clear avenues for its management in a global economy. I often find it frustratingly hard to understand why so few of these more logical communication avenues appear so unwillingly revealed.

Government terms of reference in regional and historically grounded terms

As a former NSW public servant and teacher in the Faculty of Health Sciences at Sydney University in retirement since 2007, I naturally address the short-term holiday letting inquiry term of reference (e) first, rather than last. To do the latter would be to apply the normal US market model. This is too narrowly partial, unstable, secret and costly in regard to government representative roles, and also in global terms where business and/or its related community operations are expected to address wider ranges of opportunity, as well as our local spots. I learned the benefits of the ideal stakeholder management model under the Greiner government and have been grateful for the lessons since. Cop this particular lot.

Term of Reference e. Regulatory issues posed by short-term letting including customer safety, land use planning and neighbourhood amenity, and licensing and taxation.
It is hard to think of who the ideal customer is expected to be in many land and construction transactions involving government. However, the Chinese Communist Party appears most concerned about corruption, including data corruption. This is addressed later in reference to the article entitled ‘‘China to shed light on shadow banking’’ in the Australian Financial Review (AFR 7.8.2017). Australians should be equally concerned about corruption, considering the chaos produced by the global financial crisis of 2008 and its roots in US housing. Related data and corruption concerns in regard to the proposed privatization of the Land and Property Information Service (LPIS) in NSW are addressed later and attached.

Concern over corruption often starts naturally with land and construction, as these are the normal motors of history. Consider together their related research and data gathering associations, which archive intellectual property. This is addressed later and attached in regard to the need for better attention to the digitization of local government and related association data to serve whole populations better, including producers. This is the shared regional stakeholder approach to government I learned as a public servant in the 1980s. It is a regional planning and neighbourhood amenity view to improve development and reduce corruption through more helpful consultation and communication than lawyers deliver.

Approach matters with globally related regional place and property based perspectives. This is the manner most appropriate to government and to my status as a land and property owner and investor, as well as a NSW resident and householder. The typical professional family and party blinkers are normally applied more narrowly in theory and in practice, potentially offloading many costs onto others. The NSW Land and Property Information Service is ideally addressed in the state context in which former Premier Greiner produced the Independent Review of the NSW Regulatory Policy Framework (2017), discussed attached.

As I indicated in the attached response to my local state MP, Jamie Parker, about the future of the Land and Property Information Service, I normally start from the position that self-regulation under state guidance is naturally best for data gathering as long as it can be used collectively and openly questioned by anyone to gain a response. This is a commonly expected practice in many Australian health and research services, for example. Wikipedia provides a more rapidly stunning global example of speed and potential for self-improvement in data provision. There are contradictions in the new media however. It must be seen that life is not all up or down.

The government expectations of regional planning, construction and maintenance should not be the normal commercial practice where the shield of the Crown traditionally also protected government operations from suit. This purely commercial approach was overturned in the 1980s, to take on health and insurance data and information gathering roles from broader, more reliable evidence based administrative systems, that courts have never cared about or provided. Matters are ideally dealt with now from regional and historic place and person based perspectives. Related discussion of regional policy is below and attached. Courts are not designed to provide service. Yet their feudal expectations easily infect and harm all or many at huge environmental, social and economic cost. Hilmer provided a clear and sensible National Competition Policy (1993) which all states accepted. Lawyers and other traditional interests with more feudal expectations began to make it rubbish.

The regional planning view that seeks to obtain more reliable information for better risk management across the economic, social and environmental board requires more openly informed discussion of problems on any particular ground than commonly appears normal.
This is addressed, for example, in regard to managing hazards of planning and development, with reference to Strata Plan 10775, composed of 18 town houses and grounds at St. James Court. I live here as a self-funded retiree. This gives me money and free time to make grounded observations about regional service also on behalf of people in NSW and those beyond who may consider coming here for tourism or related development reasons. Nobody pays me for it and neither should they. I write constantly for love alone. Whether what I do is worthwhile is for others to decide. This is the common artist’s pursuit which one always seeks to integrate better into normal regional and administrative practice.

Joint development with others working with the Chinese Community Party are addressed later and attached, for example. This is to point out approaches to joint development as common starting points to gain enhanced wellbeing and stability with more diverse opportunity made available for all. Security and development require balanced opportunities. Normal cycles of growth and depression cannot deliver them. Democracy struggles to get beyond feudal, tribal and fascist silencing constraints which have typically ruled strongly in the key producer and family or party associations since 1950. More open integration of a wide variety of contradictory ideals and practices is now sought. This has been the ideal global aim and direction since the Universal Declaration of Human Rights and related United Nations Conventions and instrumentalities were set up after WW2.

The Carriageworks Exhibition, 1917: The Great Strike, at the former Eveleigh Railway Workshops recently, was highly illuminating, for example. It seemed to show Australia has been a comparatively successful, peaceful, fascist nation for the whole of the 20th century, without anybody much sharing this observation. In a global economy in which China appears as a state planning power, while the US embraces the market with all its ups and downs, why in Christ’s name is Malcolm Turnbull still sticking to a view that Australians or anyone else needs the US military alliance, instead of common sense? (Is it his Party?)

From the ideal householder and related neighbourly and professional perspectives, an ideal regional view requires appropriate consultation and action around an arena, not in multiplicities of sheltered tea rooms where they secretly bicker with like-minded mates across the globe or nation. The individual is ideally understood in her regional, historical, context or professional nonsense may result, posing as science in numbers. As wild British colonials, Australians have held advanced social views since Constitutional birth, due partly to the protection of distance, as distinct from its tyranny. However, the Marxist dialectic seems a good partner to good risk management as it is theoretically well designed to recognise planning contradictions occurring on particular grounds. Consider the strengths, weaknesses, opportunities and threats of operations together more broadly. More Japanese, South Koreans, and their neighbours should see this. (My film is coming!)

As a woman, I start easily with the scientific view that more knowledge on a subject is better than less, including about any beings one is associating with. The more knowledge one has or has access to in every way, the better chance one has to protect oneself. Secrecy is often dumb and expensive even for many common commercial ends. I guess most of us have felt that. Unplanned occupationally driven approaches to production and its state had their day. A woman should not have to depend on a man’s casinos if his secretive values revolt her.

Discussion of Potential Options for regulating short term holiday or other letting
Naturally holding further and better quality of life in mind, one addresses Figure 1: Potential Options in “Short Term Holiday Letting in NSW’ in the above regional context.

One wonders how any of the four regulatory options presented to this community of this state may be expected to be policed by anyone on the strata plan grounds. Any ideas?

Any thought about reasonable land and housing management approaches for householders or housing service providers appears missing from “Short Term Holiday Letting in NSW’. How does government expect its following options to be managed to make them work as intended?

1. INDUSTRY SELF REGULATION

2. STRATA REGULATION

3. PLANNING REGULATION

4. REGISTRATION

Real estate agents, strata managers, government housing providers and others relevant to any community matter should be far more widely available. All involved should attempt to respond helpfully to phone calls and emails about perceived problems to deal appropriately, rather than hiding until lawyers drop in or not. This is discussed later.) This is the impeccably neighbourly and professional approach. It needs government back-up.

This paper “Short Term Holiday Letting in NSW’ and its four potential options appear to be a waste of time in the absence of any account of the grounded conditions and expectations in regard to the exercise of regulatory intent in key places. Related discussions on the strata committee at St James Court and with neighbours are presented later, to illustrate this. City of Sydney and other waste management operations are addressed similarly attached.

The housing service provider and those living on the block are normally most affected by its developments, whether these are advantageous to owners and investors or not.

Key direction about state regulatory and implementation expectations, or about managing housing assets for generally increased wellbeing must be provided from them, according to their particular experience of the particular place, which may vary a lot.

“Short Term Holiday Letting in NSW’ operates from the regulator’s perspective, with cavalier disregard for what might then happen in community hands, which may vary a lot.

Without some more broadly practical implementation design for regulations related to living in and managing a place, these 4 regulatory options appear likely to become increasingly costly in ways which also prevent identification of current and new hazards to populations in this state and outsiders. This increases development risk and social instability for the same reasons which brought about the global financial crisis in 2008.

As I indicated before, “From the view of the householder, owner or prospective tenant, the occupancy of any place should be as flexibly open to use as possible, as long as any hazards it brings can be appropriately managed to reduce them’’. 
I am an owner living on the premises today but who knows what I may want to do with my house in future? We may all be in that state. Similarly, there are homeless people who cannot be housed more effectively as long as all remain ignorant of potential opportunities in housing stock owned by government or in the private sector, which naturally includes the opaquely charitable one. Manage it properly.

The government discussion of short term holiday letter should focus on potential hazards, which may arise in any form of ownership and occupancy, short or long term, and how to manage them when they do arise, whatever they are. It is a confusing example of bureaucratic thrust for the govt. paper not to make clear the potential hazards of the matter being addressed, as these hazards may equally appear in longer forms of occupancy in a place, whether owner occupied or not.

**Hazards may not be purely economic or straightforwardly addressed according to rule**

The principle aim of strata legislation is to protect the strata building and its residents from hazards.

These are often most commonly seen and characterized, perhaps, as the hazards of the party house. See attached for related discussion of City of Sydney and other waste management in Glebe and beyond. Some common party hazards appear as noise, damage (from smokers burning the place down, clumsy people enjoying themselves and breaking things or falling off balconies, etc.) and rubbish which is left behind. (It is ironic that when I first wrote the above I forgot plumbing hazards. These occur comparatively often at St James Court and may give many the most offense or cost. These include water and sewage related damage through pipe break or blockage. Storm water and tree damage may be related problems. The answer isn’t concrete.

We have had a lot of experience with noise. When people made complaints (one assumes to the managing agent of St James Court) the managing agent for the renters at this property (Ian rau) put a leaflet in all our letter boxes saying that if the place was noisy again he should be contacted on his email or telephone number which he also provided. This seemed to me to make a lot of sense as a procedure.

In this context, I find it interesting that an owner at St James Court recently wrote to us about her proposed renovations on the letterhead of the Central Australia Health Service, Northern Territory Health, NT Govt. She has also provided her telephone number and email address for us to reply. This is a vital logical start. However, one naturally finds it strange that she has used government letterhead, which includes the government ABN 59410835751 to address what I would otherwise assume are personal affairs. However, I can imagine a person living and working in Darwin may have a keen interest in bringing short term occupants to a place like ours in Glebe. Do we have a right to know or not? The decision that we do not is the first condition for corruption using public money. (Not that I am at all accusing my theoretical neighbour, who openly welcomes queries we may have.)

**Towards more reliable and openly considered data driven management**

Australian land planning and the rise of China are ideally related in this context and in regard to the recent *Independent Review of the NSW Regulatory Policy Framework* chaired by Nick Greiner. Australian health care tried to lead the way to developing more reliable data to serve
population wellbeing through better planning. Surely the time has come for this in housing. The four potential options presented above appear to throw us back upon the open market, possibly hailing the next disastrous legal cab off the rank, acting in secret.

Over many years, those in the Australian Bureau of Statistics producing Census and other products, or in Australian health services and related state arenas, have given planning and data matters much thought, with a view to improving population wellbeing and performance. This data projection process nevertheless has many limitations, to the extent that it is normally driven by many blinkered market and professional service expectations, topped by lawyers. Mental health is ideally queried and built in regional terms to provide employment, exercise or related support. Spurious notions of science should not drive concepts of mental health and illness, which is not to deny the importance of any good service administration. In any narrow but supposedly therapeutic context key actors may perform inauthentically to fulfil the script, ignoring the question of drugs, depending on who provides them. The benefits of good data driven management need broader recognition.

More open learning and management approaches which are more openly responsive to individual demand as well as being more reliable are required to address the human need for personal security and stimulating environments better. Development hazards, risk, and insurance are ideally treated in related regional place and person based circumstances.

The federal budget for 2017 discussed housing only somewhat, in a context where land, property and industrial relations are all key state government matters, like insurance. To the extent that disability is highly related to the aging process the full funding of the disability support scheme and the regional development fund may be seen as a budget for old people without much positive attention to the protection of the environment for young people and to the globally warming future. I am naturally also concerned about the future of the Land and Property Information Service e-Dealing and its potential relationship to property-related corruption and business instability. One assumes this must be driven by lawyers, knowingly or unknowingly, because of their heightened power over unexplained words and secrets. This should be addressed in regard to Australian and related regions.

In the article “China to shed light on shadow banking” (AFR 7.7.17 p. 20), UBS economist Donna Quock is quoted to point out Chinese government largely owns the biggest lenders (banks) and borrowers (corporates) which means they have an outsized influence over debtors and creditors in the system. More than 95% of the debt is locally financed (rather than funded by flighty offshore lenders) and mainly through the banking system. Domestic savings are very high, mostly as deposits in banks. And last, policy makers continue to control the movement of money in and out of the country, reducing the risk of capital flight. This is the regional and related context which is ideally addressed in the light of the normal US assumptions we grew up with in Australia, whether we recognize any of them or not.

I leave you with a key Quotation from Mao Zedong. He said, “Only through the practice of the people, that is, through experience, can we verify whether a policy is correct or wrong and determine to what extent it is correct or wrong…..Therefore, before any action is taken, we must explain the policy, which we have formulated in the light of the given circumstances, to Party members and to the masses……..If we actually forget the Party’s general line and general policy, then we shall be blind, half-baked, muddle headed revo-lutionaries, and when we carry out a specific line for work and a specific policy, we shall lose our bearings and vacillate now to the left and now to the right, and the work will suffer.”
Baby, ain’t it the truth? I learned that at the knees of WorkCover in the 1980s and beyond. But whither the Party and related association today? Cheers and good luck to you all,

Carol O’Donnell,

5516
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. 
Note: I live in a strata plan of 379 lots. I haven't heard of any complaints due to short term letting. If holiday makers are correctly vetted and id'd there are no problems. Fortunately there are great companies out there who do this very well. 
Kind regards
Rachel

5517
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.

Matt Olson

5518
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 me from visiting my family as the costs would be prohibitive. 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.

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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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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.
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.

Sarah P

5520
We have owned and been residents in a Strata Unit in Coffs Harbour since 2010. Clauses 1 and 2 of the by-law that has applied since this strata development was initiated in 1999 clearly indicate that owners and occupiers are intended to have the right to the “peaceful enjoyment” of the property without disturbance by noise or nuisance. This was a factor in our decision to purchase a unit.

The problem is that current laws make it stressful and slow to deal with noise and nuisance. There is no effective way to deal with short term occupation. There are elements in the community that see holidays away from home as an opportunity to “let their hair down” and behave in an uninhibited way that they would not do in their home community.

Letting services such as Airbnb try to manage this situation by having a “host” and “guests” with the host in a position to manage and advise the guests. From experience this does not always occur with properties being set up so there is no on site contact.

Properties can be designed for short term letting but this would normally involve an onsite manager (with associated costs) and would be know at the time of sale.

The apparently simple low cost solution would be to amend the legislation to allow a by-law to be created prohibiting short term holiday letting of properties.

P & V Nally

5521
Name: Giulietta Pellascio

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.

I know from my own holiday rental experience how convenient and pleasant this kind of accommodation can be, I know as owner how it is appreciated, and quite often, the only possibility for some to stay close to other family members who live in the area, or simply, enjoy a special event; it is a service offered that is reciprocal to both parties, owners and guests, and in my experience, never abused; it is simply a matter of a careful initial selection process for suitability and purpose, and to take responsibility for this kind of activity of letting others enjoy your home, but, we should have freedom to do this, with no special penalties,

Best Regards,
Giulietta Pellascio

5522
Name: Kaye and Michael Peters

We write to make a submission to the New South Wales Government’s Short Term Holiday Letting Options Paper.

We believe that:
1. one's neighbour is the best ground-up "auditor", and
2. managed properly, the advent of increasingly sophisticated letting platforms has brought efficiencies, choice and benefits to the short stay rental market.

Before letting platforms:

Guests stayed at designated places such as hotels, motels, caravan parks, camping grounds - behaviour was controlled by managers and staff with oversight by Councils - rates were finely tuned in response to supply/demand often to the disadvantage of larger families - designated places were and still are regulated according to local government rules, development consents, health, insurance, etc - residents had a direct measure of control by their involvement through Councils and the Development Application (DA) process, to mention two.

After letting platforms:

Is the enablement of empty rooms, whether single or by a unit and house full, to be offered for short term stays - thereby widening choice, increasing supply, consolidating rates and encouraging use of otherwise vacant or little used property for mutual benefit of host/owner and guest/s - as the platforms became more sophisticated, they grew to be "clubby" (sense of belonging), introduced guest/owner assessments/reviews feedback, guidelines, standards, with demand shifting to a more unique experience whether this be by way of location, host or décor.

Notwithstanding these benefits, it must be acknowledged that short term stays have permeated previously unused (in short term stay terms) residential areas, whether these be the house next door or the strata unit next door (in both cases, host/owner/manager not being present) to existing residents and at times at the expense of longer term lettings by "entrepreneurial" short stay margin seekers.

Media plays its part (due to its morally skewed obligations to the public) loves to concentrate on presenting the unpleasant experiences and feed unbalanced, fear induced sensational occurrences and perspectives which can so easily pervert a meaningful and constructive discussion.

All this leads one to observe that the resident control mechanism or “resident audit” to the extent it existed pre letting platforms, as mentioned above, has been somewhat diluted in the current short term letting market.

Our experience with condaminebnb was born as a result of a combination of a recent renovation and family movements which created a spare two adult, 1st level, 30m2
loft room with ensuite, a shared entrance with live-in hosts occupying the ground floor level - we go to great lengths to set and confirm expectations, provide written and verbal guidelines, adhere to a homestay standard, are guest centric hosts during their stay and above all else attach great importance to the conduct of our bnb (including guests) as if we were living next door ("resident audit" principle mentioned above) – we do our best to be mindful of not only our neighbours but our guests.

We have been operating some 4 years and have hosted a range of guests including parents/grandparents repeat visits from overseas and transparently post all comments on our website as well as inviting comments on letting platforms.

It is our belief that houses and units should also be subject to the "resident audit" principle especially as the host/owner/manager are "remote" and not in a position to directly monitor and immediately influence the behaviour of a number of guests such that the amenity of neighbours is not adversely affected – neighbours should be encouraged to have an input as to their expectation and be regarded as pseudo-hosts, the eyes and ears of remote hosts.

In such situations it seems to us that any arrangements intended for alternative use other than long term rentals, that is, for short term stays in peak and off peak time periods, handling of complaints etc, should be designed with the input and agreement of neighbouring residents to protect their mutual rights of peaceful enjoyment of their properties.

As once close living, unit dwellers (as renters and owner/occupiers) ourselves, we understand and empathise with unit residents who experience loss of what ever control they had over their free and unfettered enjoyment of their unit and its environment due to insensitive (intentional or unintentional) short term guests invited to their common property by remote hosts – a 24/7 concierge service mitigates to some extent inconvenience in such cases, however, where this service is not available, the prospect of inflated monetary returns at the expense of other residents can arise.

It is our contention, in the case of strata units, that developers or residents (whoever controls the Owners Corporation at a point in time) determine whether short term stays are permitted and under what conditions, etc in which case prospective unit purchasers can make an informed prospective decision at the time of purchase and residents are free to modify these conditions in such a way as to protect their environment and do not bare the burden of selfless, unexpected wear and tear maintenance costs and unpleasantness due to noise and of intentional or unintentional property disrespect.

Critically, in the event of any sticking points which cannot be immediately or comfortably resolved, access to speedy mediation should be appropriately made available.

We make ourselves available to answer any queries resulting from the above and invite inspection at a mutually agreeable time.
Kind regards,

Kaye and Michael Peters

5523
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 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.
Short Term Holiday Letting:

This paper sets out the reasons for extreme care in applying new rules and legislation in this area.

STHLs are currently providing a very valuable service for an area of the accommodation market that really has no other alternatives, especially for families with their children. Given the numbers of guests that are currently utilising these services, you would need to think very carefully about what the alternative would be if this market were to disappear due to excessive changes.

Consider the effects that it would have on our economy.

According to Tourism Australia, the amount of international visitors this year was 8.5M, an annual increase of almost 9%, spending over $40B

Australia now makes more money from Tourism than from either coal or agricultural exports.

Over 60% of the visitors to Australia visit Sydney.

Sydney Hotels are currently operating at 85-90% capacity. They are effectively full.

Where are all the new visitors every year going to stay if the STHL market collapses and disappears, due to overzealous regulatory impositions?

It would cost Australia billions in lost revenue. It could be your job that disappears!

Experience overseas with STHL

One of the main reasons that international short stay rentals are now being either banned or have had draconian restrictions imposed, is due to the various cities being overwhelmed by tourists. This coupled with an extreme rental shortage (usually caused by protected tenancies in some of these cites), has resulted in genuine tenants not being able to housed. Residents in cities such as Venice and Barcelona are trying to stop and thwart tourism, due to their city being too loved and the effect that it is having on their small contained cities. Sydney is in a totally different position, where we are trying to utilise tourism as a fill-up to the end of the mining boom, and trying to attract tourists, not discourage them.

Rental and Affordable Housing Stock

Here in NSW at present, there is a shortage of tenants, not properties, with it being very difficult to let out properties, as so many have been built, the supply has overwhelmed the demand. This may rotate in a few years’ time, however now is not a great time to be a landlord. Therefore the reasons for bans or legislation required in many of these cities such as NY, Barcelona, Vancouver and San Francisco, should not be used here in NSW, as it is not applicable.
In many areas of the city, such as the Northern Beaches, there really is very little accommodation for visitors who wish to stay in the area. I do not foresee too many hotels or motels being built, due to the cost of land and the more attractive nature of residential housing.

The idea of limiting the time that guests are able to stay will completely eliminate any landlords who are attempting to fill this void on a sustainable basis. Therefore it will ultimately lead to a cowboy approach, which will damage tourism, rather than encourage and promote it.

We have been conducting a STHL business on a professional, sustainable basis for over two years and have found that it is very difficult for the average Mum and Dad to run this type of business, as the cleaning, marketing and organising of just one property, makes it uneconomic and many of the want to be landlords in this space simply give up.

In addition, many of these short stay lettings are not compliant with their insurance policy, which is one area that needs to be addressed in this environment. As many of these landlords end up running a business with their property, they may not realise both their taxation obligations, plus the effect that running this business from home will have on their tax free Capital Gains Tax status of their home. If they did, then certainly many of them would cease operations immediately.

Having a cap on the amount of days that you are able to rent out a property, will therefore discourage and eliminate the landlords who are doing this on a professional, sustainable basis, who have a long term focus on ensuring that good service is given and the guests are taken care of, rather than a very short term view on trying to make as much money as possible in a short period of time and not pay their taxation obligations.

We have also had a number of guests who have families, where their properties are either being renovated, repaired due to an insurance incident, or have either sold their home and are awaiting their new residence for occupation. We have also had a number of guests who are either leaving for overseas or interstate, having sold their home and still require a few weeks where they need to remain in Sydney, or guests from overseas who are settling in Sydney with their family and trying to find a home to purchase or rent. Also many guests visit their families here and there is absolutely no alternative accommodation available to them.

**Party Problems**

The problem with party goers, who cause trouble for everyone, we find has been eliminated by having a minimum stay of 3 nights. We have had numerous requests for 1 or 2 nights, even though we state 3 nights and generally upon discussion with these prospective guests, we find they are young and looking for a place to party. This requirement may be different in other parts of Sydney, such as in the city, where a number of guests only require 1-2 days accommodation.

Any sensible landlord (who is also an owner of the apartment or house), would not wish to have their property trashed, tarnished or abused by party goers.

**Who should or should not be allowed to conduct short stay**
This raises the question of who should be allowed to host short stay guests. Most leases explicitly forbid this secondary leasing of the property and as the renter does not have very much to lose other than the tenancy and their bond, their attitude towards profit vs longevity and sustainability of the venture tends to favour the get rich quick approach.

**Waste**

We have observed that the issue of waste generated is not a problem. Many guests will only cook sporadically, generally favouring going out to a restaurant or having take away food, as they are in holiday, business or relax mode. This is of course very good for the surrounding food businesses and actually produces less waste than a normal residential tenant.

**Parking**

Over half of the guests who visit, do not have a car and if they do then there is generally only one vehicle, due to either renting the vehicle or driving to stay at the accommodation, therefore using carpooling rather than each individual having their own vehicle. This contrasts with long term tenancies, where each tenant tends to have their own vehicle. Therefore we find this has had a dramatic positive effect on the availability of parking.

**Hazards**

Generally in the city, other than a fire, there is little in the form of hazards, such as floods or bush fires. All premises as in normal residential tenancies should be fitted with smoke detection equipment, plus fire blankets and a fire extinguisher. Refer to Airbnb’s safety card.

**Strata**

If the majority of the building owners approve short stay accommodation, then it should be allowed. This should also follow a set of rules; again if it is a tenant who is renting the property out, there should be a separate bylaw, compared to the owner, who has more to lose, compared to a tenant renting the property out.

**Crossover with other operators**

To answer this correctly a distinction needs to be made between the hosts who are renting out a room or rooms in their home, compared to renting out the entire premises.
If you are only renting out a room then there is a level of conflict with the bed and breakfast (BnB) hosts. With BnB, the guest is generally taking a room in the home, with a great degree of interaction with the hosts, in the same manner as a host who rents a room in their home.

However there is a stark difference between short stay, where the entire apartment is being rented and BnB. However, renting out the entire apartment is providing a completely different service. We find that many guests do not want to have very much interaction with the hosts, other than meet, greet, explain what they need to know and then let the guest get on with their holiday or stay, in the same manner as going to a hotel and not wishing to interact on a regular basis with Basil Fawlty.

**Discrimination against children and families**

Many of our guests have small children. Therefore renting out a hotel room is almost impossible, especially if you have 3 children. The choice is trying to cram everyone in one room or take two hotel rooms. This may be ok for one or two nights, however one or two weeks would make this alternative both very expensive and unattractive. In addition, most hotels will only allow 3 or possibly 4 guests per room.

The family could also go to a Youth Hostel, however young children in a backpackers environment, especially for a week or two is also something most parents would not wish to do.

Contrasting with STHLs, BnBs generally do not allow children.

Eliminating or discriminating against operators who are providing short term accommodation is also discrimination against families with young children.

**Concentration of STHL Ownership**

Having more than one property is a positive, not a negative, for many of the reasons already described. It allows scale, when it comes to employing cleaners, maintenance people and delivers a high degree of professionalism, response and responsibility. Having just one property ensures that many of the operations in this area are not very professional and eventually doomed to fail, due to the sheer work load that befalls the owner, as many cleaners require a schedule and regular work. By its very nature this type of accommodation makes regular cleaning impossible due to the variability of the guest’s schedules. I have spoken to a number of previous hosts who have eventually given up, as it is too hard, due to the requirement for them to visit the property to do the arranging and cleaning, as a cleaner is not able to commit to them. Furthermore, these cleaning schedules result in employment for many people who may find it difficult to obtain work, due to family commitments (ie young kids at school), therefore this style of work assists people in the local area.

Having more than one property makes it easier to have a system in place to ensure that the guest has the most enjoyable experience and things do not fall through the cracks, such as double booking or the property not being cleaned or looked after.
Self-Regulation, Education, Complaint Management and Code of Conduct

To a great degree there is already self-regulation in place, which is also heavily policed by the major sources of guests; Airbnb, Stayz, Bookings.com and Trip Advisor. If you do not provide the service required, then the guests will critique their stay and your premises. Over promising or not delivering what has been advertised will result in a lack of guests, which will ensure that the host rapidly disappears.

As with Uber, if the driver does not conform to a set of standards, they are quickly dispelled from Uber. These web platforms will do the same to a bad host.

Each of these platforms provides extensive advice and recommendations on how to be a good host, which is also a de facto code of conduct. Having a bureaucratic government machine to do this would be expensive and probably inefficient, as the organisations that provide you with your business and previous guests are ruthless in eradicating bad behaviour, without the need for any government involvement or intervention.

Monitoring and Reporting

This could be achieved easily by requesting this information from the main platform providers who have already been listed above. They already have skin in the game and do not want the cowboy operators who also jeopardise their businesses.

Definition of STHL

The first thing that needs consideration is what is the government trying to achieve. It is very easy to close down this industry with some very minor tweaks to the legislation. This would make it uneconomic for an operator in this industry, if the State goes down the extreme regulatory road. The very existence of this booming market is proof enough that there is a massive demand that is not being met by existing traditional outlets, or this industry would not exist.

As previously discussed, there is absolutely no current methodology for families with children to be accommodated, other than STHL. Having professional operators in this space ensures that a certain level of quality exists, as the self-regulation of this industry, by your critical guests, ensures the bad operators are driven out of business.

If the state were to insist on a DA for a STHL, then it would be patently uneconomic for anyone to apply, given the enormous costs and time of a DA. I believe that your DA route of 40 days is completely unrealistic.

The statistics that are quoted on the number of nights places are rented for, disguises the previously raised issue of operators continually coming and going. On an amateurish basis, they may try and as discussed over time, it becomes too difficult and they then disappear. Or they just let their home
out for when they go travelling. It is not too difficult to see who the occasional operators are compared to those doing this on a more professional basis. Their properties, although listed with a platform, such as Airbnb, will only be available for a short time during the year and unavailable for the rest of the year.

To suggest that a landlord would only try to “cash in” when the holiday period arrived, ignores the long vacancy that they would have waiting for these events, or the need to terminate long term tenants in favour of short term guests on a regular basis. This is not economic nor a long term solution. They would simply exit this market.

Setting limitations on the amount of days or time that a property will be eligible for short term accommodation, will ensure that the industry that is currently providing a valuable service, which is not met by any existing operators, will cease. The only people who will continue with this type of operation, will be short term, get rich quick home owners, who have no vested interest in ensuring that the visiting guest has a great time, as they are not after either repeat business or good reviews due to their short term nature. This will be very debilitating for the local cleaners, suppliers, laundry services, restaurants, tourist attractions, taxi and Uber drivers, shopping malls, shopping strips, and local grocery stores, where these guests purchase their supplies from, plus the coach drivers.

Presence of Hosts: Always being around

The last thing many of the responsible guests, especially those with families, would wish for, would be to have the host around as a constant presence. Indeed, it would be a little creepy if the hosts always wished to be around you and your family. Again, this would be discriminatory against families.

Registration and Licencing

Again, many of the provisions for these restrictions noted are in cities where there is a rental shortage or crisis. This is certainly not the situation in Sydney at present, where now at many open for rental inspections, only one or two people are showing up and the vacancy times blow out, as tenants are now hard to find, given the large excess supply of rental accommodation that has come to market over the past couple of year. The platform providers such as Airbnb and STHL guests with their reviews are the best form of policing.

Those that are trying to do the correct and sustainable way of providing STHL will be driven out of business with excess government involvement, leaving only the cowboys and bad operators.

Some issues to consider;

This paper is primarily concerned with apartments that are being wholly let, rather than a room in a home;
There are very few hotels being built now in the city and areas close to the city. However, they will not even come close to meeting the expected increase in tourist demand over the next 5-7 years that the National and State Governments have predicted. Where are all of these additional tourists going to stay? There is currently an 85-90% hotel occupancy rate, which is effectively being full. This will not change in the near term and it also leads to very expensive hotel rooms, as discounting is not available and super normal profits are being made by the hotel chains in Sydney.

If there is nowhere to stay, or the costs become too prohibitive, then tourists will either have reduced stays in Sydney and the surrounding regions or simply spend more time where they are welcomed and can be accommodated. This is not good for any of us. In the same manner that for many years, Sydney missed out to other cities on large conventions, due to the lack of space, the same theme will happen with our tourism.

STHL’s should be encouraged and fostered, rather than legislated out of existence. They are providing and will continue to provide an extremely valuable service, to a part of the market that does not have a viable alternative.

The wealth multiplier effect of STHL’s is enormous on many businesses within the local vicinity.

For Families, there is absolutely no other viable accommodation for a family, looking for more than 1-2 days stay, as hotels are not the solution, nor are hostels, backpackers and BnB’s refuse to accommodate them. Where would you expect them to stay?

STHLs cannot be conducted on a part time basis for the above demographics, as it becomes too expensive with the vacancy rate. It is expensive to furnish a STHL and there is not a viable rental market for furnished long term accommodation.

If there is an embargo on the number of days allowable, then the number of sustainable STHLs will dramatically diminish, to be replaced by short term operators, only wishing to make a quick profit, irrespective of any long term reputational damage that is done to the NSW and Sydney tourist market.

Be very careful on what you wish for. If a heavy handed approach is taken and the landlords disappear from this market, future changes will not lure them back, due to the business risk that will occur with a level of future uncertainty and sustainability. One only needs to look to the power industry and market to understand how mismanagement can produce catastrophic results, both economically and politically.

Robert Wiggins

5525
The Options Paper Short-term Holiday Letting in NSW, July 2017, invites feedback on the options presented in it. Three of the questions posed in the Submission Form (Appendix 1) are particularly relevant to strata properties, and these questions form the basis of my submission.

9. Should Owners’ Corporations be given the legal ability to prohibit or restrict STHL? If so, how and under what circumstances?

The Options Paper (p. 8) rightly points out that the potential for risks to amenity and safety, and therefore the level of concern, is greater in strata buildings.

The owners of strata properties fall into two groups, with different concerns about SHTL in their property. Those owners for whom the property is their home and principal residence are concerned about the potential loss of amenity, and the unpredictability brought about by ever-changing neighbours, who will be the source of most of the negative impacts which By-Laws are intended and designed to obviate: unsocial behaviour, threats to safety and security, noise, vehicle parking, etc.

Those owners for whom the property is an investment and a source of income, and/or a potential future principal residence, may have similar concerns, but, in addition, they face the risk of losing good long-term tenants, and the potential decline in the value of their investment if the property or the neighbourhood develops an unsavoury reputation because of the presence and behaviour of SHTL tenants.

It is therefore appropriate for Owners’ Corporations, through the passage of By-Laws, to have the right to impose restrictions on the extent to which SHTL is permitted in the property in which their members, the owners, have a legitimate and appropriate and often long-term interest, and that right should not be usurped by government, as has been done in the current prohibition of By-Laws that restrict the rights of owners to deal with their lots (SSMA 2015, s. 136).

The alternative strategies proposed in the Options Paper all fall short of meeting these legitimate objectives for strata property owners, as follows.

1. Industry regulation (Section 4 of the Options Paper)
The development of a Code of Conduct for STHL providers is acknowledged as having been ineffective, and there is no reason to suppose that “strengthening” it will improve its effectiveness, and will certainly add cost and complexity.

As stated below, short-term renters will, by definition, have vacated the premises long before any complaints management strategies could take effect.

Education is frequently put forward as the panacea for society’s ills, but is unlikely to be effective unless accompanied by immediate rewards and sanctions, neither of which are feasible under the circumstances of SHTL.

Monitoring and reporting, while no doubt useful, will, again, add to cost and complexity, and will have little impact on the behaviour of the minority of short-term renters who will abuse the system with impunity, to the detriment of the quality of life in strata properties.
2. **Strata Regulation** (Section 5 of the Options Paper)

The statements of the representatives of the short-term letting industry (p. 15) suggest that they have never been long-term residents of a strata scheme. If they had been, they would know that long-term tenants do not create the same problems as short-term renters, and adverse behaviour by any resident has a deleterious effect on the well-being of other residents whose “peaceful enjoyment of their lot is being interfered with” (By-Law 1).

It is acknowledged that such problems may only occur in a minority of cases, but this does not diminish the impact on residents when such behaviours do occur. The ultimate goal of all legislation is to eliminate inappropriate behaviour. We should not settle for less.

**By-Laws to manage visitor behaviour** are unlikely to address any of the concerns of residents and owners, as short-term visitors are unlikely to be conversant with the By-Laws, may be disinclined to take any notice of them, and are also likely to have left the property before any enforcement action could take effect (p. 16) - particularly if it goes through the machinery of the Tribunal.

The Final Report of the Legislative Assembly Committee on Environment and Planning (2016; Recommendation 10, p. viii) recommended strengthening the powers of Owners’ Corporations to manage and respond to adverse behaviour resulting from short-term letting in their buildings (Recommendation 10, p. viii). However, this Recommendation misses the point when it refers to “more powers to manage and respond to adverse behaviour”; this is shutting the stable door after the horse (the short-term tenant) is long gone; what is required is prevention, not cure.

**By-Laws to provide compensation** are equally unlikely to address these concerns, since, in the last resort, it is not the owner of the strata unit who is the source of the disturbance, and they will have as little control over visitors’ unacceptable behaviour as will those who are long-term residents, and will see financial inducements or punishments as irrelevant.

**By-Laws to prohibit SHTL**

Such By-Laws are currently prohibited under the Act (s.138), although the legal status of this draconian provision is still unclear.

None of the “possible amendments to strata laws” (p. 16) are likely to have much impact on the badly-behaved minority. An alternative to the prohibition of SHTL would be to permit an Owners’ Corporation to pass strata By-Laws which mandate a minimum period of rental of at least three months, and preferably six, with some tightly controlled relaxation, e.g. for one let per year, and being for a period of no less than 14 days, and requiring the prior approval of the Strata Committee.

3. **Planning Regulation** (Section 6 of the Options Paper)

Although the Government’s view of SHTL in a residence (p. 18) as being “acceptable up to a point” would be met by the proposal in the preceding paragraph, the failure to give a precise definition of “short-term accommodation” may well create problems eventually.

However, in principle, councils should be left to make the development arrangements that are suitable for their specific local circumstances, whether by defining the minimum number of consecutive days that constitute “short-term”, or some other requirement, including host presence. Likewise, councils should not limit the capacity of strata owners to restrict the availability of short-term accommodation as is appropriate for the circumstances of their particular strata property.
4. **Registration** (Section 7 of the Options Paper)
Registration may be an appropriate strategy in association with some of the other options canvassed in the paper, but the costs of such regulation should be balanced by the actual and demonstrated benefit gained from its introduction, and should fall on those owners who undertake short-term holiday letting.

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?

The answer to this question is implicit in the foregoing: the issue for strata owners is not the management of the impact of STHL, but ensuring that there are no such impacts. Thus the Act should certainly be amended to remove the current prohibition which has been imposed on Owners’ Corporations’ ability to influence the quality of life for strata residents for the better.

The same applies to compensation. These downstream economic strategies cannot compensate for the potential damage to the social environment of strata owners and long-term residents, which could be avoided entirely by giving Owners’ Corporations the capacity to regulate that environment in the best interests of strata residents.

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?

These questions have already been answered above (see page 1). Self-regulation has a history of being powerless against greed, and against trampling on the rights of other citizens.

**Summary**
The special position of owners and residents of strata properties should be acknowledged, and protected. The Recommendations of the NSW Legislative Assembly Committee on Planning and Environment Report 1/56 (October 2016) do little to achieve this, and require modification, after consultation with strata owners.

Professor Rufus Clarke

5526
Dear Director, Housing Policy,

With regard to the enquiry into short-term rentals in apartment buildings and the recommendation to restrict the power of Owners Corporations, we, as an owner in an apartment building, ask that this recommendation not be proceeded with.

We are in the 70s age category and are happy and feel safe with the current situation where there is in our apartment building no short-term rentals. We basically know many of the owners and are very supportive of the powers of “Owners Corporations” to ensure the high standards which protect our (quiet) enjoyment of our apartment.

Given the location of our complex (”) and the increasing events (NYE, VIVID etc.) occurring right at our doorstep, if this restriction is removed it is very likely to have a negative impact on the Complex. Many may use this Complex as an alternative to a Hotel and frankly the Complex is not designed for this kind of use.

Of particular concern would be the incidents of NY’sE or other parties on balconies attended by drunk and disorderly unsupervised people.
That could result in items dropping over the balustrades onto the people below.

Depending on how frequent the lettings are made, which could be significant considering the location of our Complex, this will increase the costs of wear and tear caused by an endless stream of occupants which will impact the strata costs for Owners such as ourselves.

Any damage to common property would, I fear, be borne unrealistically by my wife and me as I am sure that damage caused by short-term tenants will be difficult to attribute to any particular individual or Owner who lets on a short-term basis.

It would not surprise us that the insurance cost to the Complex will possibly increase and as non letters and permanent occupiers of our own apartment we unjustifiably may have to incur our share of increased insurance costs.

One of the many things that we like about our apartment is the security we enjoy, There is no guarantee that the security we currently enjoy will be maintained if this recommendation to restrict the power of Owners Corporations generally and ours in particular should proceed.

Older people such as ourselves have peace of mind when they live in a well managed apartment Complex where the things that they look forward to such as security, is evident. In fact, we are prepared to pay extra for this security. Please do not proceed with this recommendation to restrict the power of Owners Corporations specifically as it relates to No. 1 Macquarie Street, Sydney 2000.

Bruce and Maria Shankland

5527
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 have small children and want to create lasting family memories with vacations being something we all cherish. Staying in a lovely home with all of the conveniences of a home is essential for comfortable travel with little ones.

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.

Amanda Slabosz

5528
Dear Sir,

I am the owner of a property called Kangaroo Valley, has provided short term holiday rental for over 20 years. I first discovered Kangaroo Valley and the Shoalhaven some 18 years ago when I first stayed at Skyfarm. Four years ago I purchased it and have completed extensive renovations to create a beautiful sanctuary overlooking the mountains of the Morton National Park for families and groups of friends to enjoy.

My partner and I purchased it with our future retirement plan in mind.

I now understand that the State Government is considering imposing restrictions on all short term holiday letting as a consequence of bad behaviour from some tenants using AirBnB in our major cities.

I also own an apartment in Darlinghurst in the heart of Sydney and I applaud your action to limit AirBnB rentals for high density living where the owner’s amenity is impacted by selfish and inconsiderate short term rentals. But I appeal to your better sense of judgement to consider making this apply in the country.

Like many properties in our beautiful Valley, sits on 75 acres. It is literally miles from anywhere. In the four years I have owned and run the property as a guesthouse I have never had guests behave badly nor create any disturbance for myself or my neighbours. My partner and I have a small cottage on the same property and our presence during guest stays ensures our guests have everything they need but also behave appropriately. And our neighbours are so far away it would be impossible to impact them regardless.

Kangaroo Valley is a huge drawcard for the Shoalhaven and for the many small businesses which operate in the area. Tourism is our life-blood. Literally.

Taking into account the economic contribution to the NSW economy (estimated in the region of $15 million) the provision of a wide range of accommodation types for both domestic and overseas tourists and
the existing proper management of properties in rural areas, we ask that the Government steer towards options one and two in the Options paper when reviewing legislation with regard to Short Term Holiday Letting. To adopt an option involving Complying or Development Applications, while attractive at first sight, would place even further burden on Local Councils, who struggle to meet current demand in this area. Our own Shoalhaven City Council is well behind in processing DAs, (many taking more than 12 months!) as they cannot attract enough qualified staff to do the work.

Yours faithfully

Robert Small
Sk
5529
Appendices

Appendix 1 – STHL Options Paper Submission Form

<table>
<thead>
<tr>
<th>SHORT-TERM HOLIDAY LETTING OPTIONS PAPER SUBMISSION FORM</th>
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<tbody>
<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>You are invited to respond to the Options Paper by submitting this form to the NSW Department of Planning and Environment.</td>
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<td></td>
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<tr>
<td>You can also provide your feedback by:</td>
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<td>• filling out the online survey</td>
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<tr>
<td>• email to <a href="mailto:STHL@planning.nsw.gov.au">STHL@planning.nsw.gov.au</a></td>
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<tr>
<td>• writing to:</td>
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<tr>
<td>Director, Housing Policy</td>
</tr>
<tr>
<td>Department of Planning and Environment</td>
</tr>
<tr>
<td>GPO Box 39, Sydney NSW 2001</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>If you have further inquiries, please email us at <a href="mailto:STHL@planning.nsw.gov.au">STHL@planning.nsw.gov.au</a></td>
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<td>The consultation process is open until 31 October 2017.</td>
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<tr>
<td>By hitting submit you agree to the Department's Privacy Policy.</td>
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<td>Name, Surname</td>
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<td>Organisation</td>
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<td>Suburb</td>
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<tr>
<td>E-mail Address</td>
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<td>Date of Submission</td>
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<tr>
<td>Question</td>
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<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Do you use or have you ever used short-term holiday accommodation?</td>
</tr>
<tr>
<td>Are you or have you ever been a short-term holiday accommodation host?</td>
</tr>
<tr>
<td>Do you provide another form of short-term holiday accommodation?</td>
</tr>
<tr>
<td>Do you live near a property that provides short-term holiday accommodation?</td>
</tr>
<tr>
<td>Are you from an STHL industry group, owners' corporations or community group?</td>
</tr>
</tbody>
</table>

### 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

All of the above are a concern and can only be addressed in Strata by giving the Owners Corporation control through appropriate bylaw.

### 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

None will work because there is no mechanism for enforcing good behaviour by STHL residents.

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

Neither the hosts nor the owners corporation can control behaviour while the STHL resident is in residence and by definition they return home and are uncontrollable.

### 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?

Owners Corporations are able to vote on all bylaws, a majority should be able to vote on how they are built.

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?

Owners Corporations need the ability to make bylaws to regulate STHL.

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. The "hosts" simply do not realise they are running a "small business" and though they benefit, it is at the expense of everyone else in the Strata.

### 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

Please indicate your reasons below:
13 If STHL is to be regulated via the planning framework, how should it apply?
   - Number of total days per year
   - Number of consecutive days
   - Number of bedrooms
   - Length of stay
   - Presence of a host
   - Location (metro vs. regional)
   - Compliance with a Code of Conduct

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

Different planning for Strata versus standalone homes

Registration or Licensing

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

Licensing would be better because if complaints they the host would lose license, should be time limited with penalty for non-compliance

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).

<table>
<thead>
<tr>
<th>Potential Options</th>
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<tr>
<td><strong>Themes</strong></td>
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<tr>
<td><strong>INDUSTRY SELF REGULATION</strong></td>
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<tr>
<td>Code of conduct</td>
</tr>
<tr>
<td>By-laws to manage visitor behaviour</td>
</tr>
<tr>
<td>Complainants management</td>
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<tr>
<td>By-laws to receive compensation for adverse effects</td>
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<tr>
<td>Education</td>
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<tr>
<td>By-laws to prohibit STHL</td>
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<tr>
<td>Monitoring and reporting</td>
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</tbody>
</table>

| **STRATA REGULATION** |
| Development approval - exempt/complying |
| Development approval - development consent |
| By-laws to receive compensation for adverse effects |
| By-laws to prohibit STHL |

| **PLANNING REGULATION** |
| Limit the length of stay |
| Limit the number of days per year |
| Limit the number of bedrooms |
| Register by whether the host is present when STHL takes place |

| **REGISTRATION** |
| Registration to manage safety and amenity issues |
| Registration to monitor that other regulatory approaches (e.g., number of days, number of properties) are being met |

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 any other options not covered in the paper) can be chosen to suggest a policy framework for the STHL in the submission form.
Dear Sir/Madam

Short-Term Holiday Letting Submission
Option: Strata Regulation, By-laws to prohibit STHL
Property: Drift Apartments, 10-12 Gerrale Street, Cronulla NSW 2230
Netstrata Strata Plan 83228

We are extremely fortunate to live in a prestigious apartment block of eleven units, which has won awards from both the MBA and HIA for its excellence.

As all residents take extreme pride in the apartment block, concerns regarding short-term holiday letting were raised. Subsequently, a meeting of the Owners Corporation was held on 17 October 2017 with seven of the eleven units attending. The decision was unanimous; with all opposed to STHL.

We understand some apartment blocks may be in favour of STHL; for this reason we request that our apartment block be considered individually and not in combination approach. The building is a secure building and residents are definite they do not want security breached. STHL exposes breaches of security, damage to property, noise and evacuation concerns.

On behalf of the Owners Corporation and the Executive Committee we wish to submit one option only – Strata Regulation, By-laws to prohibit STHL.

Your prompt recommendation that we may proceed with a By-law to prohibit STHL would be most appreciated.

Sincerely

Kevin Smith
Chairman
Drift Apartments Executive Committee
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? So that we can meet new people from all walks of life. And we use the money to help us pay for our children’s high school fees and high level sporting commitments. And we generally only rent our house over the Christmas. New year fortnight.

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.

Whilst the Options Paper does not canvass opinions on a potential bed tax, I would like to register my personal support for a bed tax that applies to all accommodation providers in the Byron Shire Council. Such a tax would go a long way to ensuring a sustainable tourism economy in Byron Bay to pay for much needed infrastructure and services.

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 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.

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.

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.

Trent Taylor

5532
ATT: Director Housing Policy

I would like to provide feedback on the STHL Options Paper.

I have over 15 years experience as an owner of rental properties and over the last 2.5 years I have rented one of these (in Darlinghurst) through AirBnB. In addition I also live in an apartment complex where other apartments are let through AirBnB.

I can honestly say that I have received no complaints with regard to letting my property through AirBnB. In about 2.5 years I have had 55 lettings. My guests are predominantly overseas visitors and generally couples. My current guest is from China, has accepted a job at UTS and is looking for longer term accommodation.

With regards to the various issues outlined in the Options Paper I would make the following comments:

**Noise:** I have received no complaints regarding noise although strata have had a number of complaints involving long term residents.

**Waste:** I clean the apartment after each use and waste is minimal. Much less than permanent residents who are cooking all meals etc. Also AirBnB guests don’t leave all their unwanted furniture and clothing in the building or on the street as departing tenants do.

**Party Houses:** Again I have no experience with this however surely this would only apply to certain property types.

**Parking:** Out of the 55 bookings not one had a car. I leave them an Opal card which is used.

**Hazards and Evacuation:** My guests have a pack which gives them all emergency information and numbers. The apartment has a first aid kit, fire blanket and fire extinguisher which is encouraged by AirBnB. I’d be surprised if long term tenants had these.

I would ask Government to apply some common-sense to this analysis as it is illogical to assume that tourists generate more parking issues, more waste or spend more time in the properties than permanent residents.

The Options Paper appears to be biased towards some pre-conceived outcome, as opposed to embracing the new economy.

Regards

Chris Whittle

5533
Director, Housing Policy  
Dept of Planning and Environment  
GPO Box 39  
Sydney 2001

Dear Sir/ Madam

I own two apartments, one in an area zoned residential and the other in an area zoned for holiday rentals. The two have been designed (and are managed) completely differently due to the different purposes for which they were intended.

In the residential property there are locked common areas to provide greater security for residents and their possessions. There is also a locked garbage area and the owners/renters look after the common property rather than employing people to do so (thus keeping down their strata fees, which is very important to those who are on a pension). There is also timed parking on the street outside the building so residents must park in their garages. All of these points do not apply in the holiday rental block.

We have to date had a few short term rentals in the residential block and this has resulted in noise that disturbed their neighbours, parking in the visitor area (because it was too difficult for them to use the garage and they anyway considered themselves visitors – and given the large number of cars associated the rental this denied visitors to other units due to the restrictions on parking on the street), security doors left open, and garbage being left on the common property because it was ‘too difficult’ to place it in the bins in the locked garbage area (or if it was placed in the bins garbage was placed in the wrong bins e.g. general garbage in the recycling bins). It was left to the residents to clean up after the short term stayers, and in regard to garbage this took a few weeks as the amount of garbage left from the parties was too much to fit in the available bins. Short term stayers are not worried about this because they know they will be gone before others work out who caused the problems and, if the owners are on holiday themselves, there is no one you can contact to get problems fixed.

I have had experience living next door to a house that was let for short term rentals. While this was noisy, the problems were not as great as in a strata building where noise travels very easily between the units. It also did not have the ‘common property’ issues of a strata building. Therefore these comments only apply to strata properties.

1. Due to these differences (please read and take note of the above paragraphs), I strongly recommend that use of a strata property should continue to comply with the zoning applicable to its approval.

2. Owners and tenants in a residential zoning area should be permitted to rent a bedroom in their unit, provided that the host is in residence. They should not be permitted to rent the entire unit.
3. Owners and tenants in a residential zoning area should only be permitted to change this if there a general meeting at which 75% of owners vote to allow short term rentals and enact a by-law to this effect.

4. There should be strong penalties for any owner and tenant who breaches the zoning/by-laws set down for short term letting and for any additional costs or disturbance of others this results in.

If short term rentals are allowed in our residential block we will also have to increase the strata fees considerably to pay for security cameras in the common areas, an increased number of garbage bins/council garbage collections, someone to regularly clean the common property. There will also be increased complaints re noise and parking on common property – not sure what we can do about this but I know it will affect me as chair of the Strata Committee.

I therefore strongly recommend that short term rentals not be permitted in strata buildings located in residential zoned areas, consistent with the purpose for which the building was constructed and the purpose (a residential home) which led people to purchase a unit within the building.

I sincerely hope you will carefully consider everything I have said in this letter and the reasons why I do not support short term letting in residential strata buildings.

Regards,

Alison Wilson

5534
Dear NSW Government,
I strongly believe that anyone has the right 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.
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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 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 the Hunter Valley in NSW and other 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.
Also, the few who do decide to take up that burden will be very limited and will be forced by the sheer lack of accommodation, to increase their rental prices to cover extra costs. This will make it very difficult for the average family to afford a short term rental property for a few days or weeks away!
I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.
Thank you in advance

Jill Wright
5535
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 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.

Di Wu

5536
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 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.
Crystal yu

5537
Submission regarding Short-Term Holiday Letting in New South Wales

This submission is in response to the Options Paper (the Paper) regarding Short-Term Holiday Letting (STHL) in NSW.

The submitter has used STHL in various locations around the world, but only in detached single dwellings and where the lot owner is present. The submitter is also the owner of a lot in a small strata building in NSW. The submitter is supportive of measures which generally increase tourism in NSW, but believes that very short lets such as those available through websites including Airbnb.com, may carry risks for long-term residents of strata buildings and for such buildings themselves and should therefore be subject to regulation.

Whilst risks around guest behaviour and amenity impacts may exist with respect to detached dwellings, such risks may be contained within the dwelling. However in the case of lots within strata schemes, any misconduct by a guest impacts not only the host / lot owner, but also other occupiers within the strata scheme.

For example, in addition to potential noise or nuisance issues, there may be other issues, for example (but not limited to):
- security of a building may be compromised by a STHL guest not being aware of, or ignoring, a building’s security protocols. In particular, vulnerable groups (for example, but not limited to single women and the elderly) who have purposely occupied a scheme where there may be at least two locked doors between the outside and their lot, may now be exposed by STHL guests who leave doors open or invite unknown persons onto the building;
- STHL guests may be unfamiliar with a building’s protocols for sorting of rubbish and recycling, which may create negative public health concerns and amenity issues;
- damage to common areas due to increased foot traffic, in particular carrying luggage causing scuffing and marking; and
- possible invalidation of a scheme’s buildings insurance policy due to a change in use from residential activities to what is effectively a business activity.

Further, STHL in a strata scheme is inherently unfair as any costs incurred by the strata scheme in remediating any damage or extra costs will be shared amongst all lot owners, however the revenue gained from STHL accrues only to the host / lot owner.

The submitter agrees with the four forms of STHL described in Section 1 of the Options Paper:

1. Rental of one or more rooms (including room sharing) with the host present

This is in line with a traditional understanding of a bed-and-breakfast; that is, the host has a spare room in their primary residence, and takes in paying guests.

In this situation, the host is able to assert direct control over the guest. As a result, the guest’s conduct is likely to be benign with respect to occupiers of neighbouring lots. Further, any damage to the lot itself, or common areas where the lot is in a strata scheme, can be quickly noticed and remedied by the host. The host can also direct and monitor the guest with respect to correct disposal of rubbish vs. recycling, and building security.

It is submitted that this form of STHL should be permitted without the need for a licence, on an unlimited basis.
via email to: STHL@planning.nsw.gov.au

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

27 October 2017

Short-Term Holiday Letting Options Submission

Dear Director,

I write to you in support of the letter dated 20 September 2017 written on behalf of SP53158 Observatory Tower, Millers Point NSW. I am part-owner of, along with my husband who owns the remaining part. My comments refer to STHL within urban strata schemes only, I appreciate that city and regional locations present different considerations.

I have never used, provided or hosted STHL, nor am I part of any STHL industry group. I believe that STHL has been identified within our residential building and that action was taken under the current laws, and I quote from the above letter by our Strata Committee: “City of Sydney’s consent specifically forbade short term letting: ‘That the residential component of the development must be for permanent residential accommodation only and not for the purpose of hotel, motel, serviced apartments, tourist accommodation or the like’. Council additionally placed a similarly worded covenant on the title of the building.

Further to and in support of the approval, the Strata Plan has a by-law that prohibits letting, leasing or licensing a lot for a period less than 3 months. At no time has an owner sought to have that by-law removed or modified. By virtue of this by-law, a majority of owners do not wish to have STHL in Observatory Tower and this submission is being provided in support of that majority view.”

My primary concern is the suggestion to force strata schemes to allow STHL. It is a democratic right and should remain so. Therefore, Strata Regulation would be the preferred way of regulating.
Some of the issues I see if STHL were forced upon a building such as ours:

Any breaches of the Codes, conduct or laws proposed would be difficult to deal with in the time frame given and the related expenses considered. I realise that problems can occur with tenants or owners, but there is an easier framework to deal with that.

Furthermore, any additional damage, wear and tear on common properties, insurance cover, manpower of management and staff, additional waste disposal, etc. would be difficult to quantify. It is likely that participating hosts in STHL would argue that if costs were related back to them it would have to be on the scale of their having guests stay and on their activity during the stay.

At a central CBD location in Sydney, such as our building, there would be no shortage of interest from people wishing to stay for a short term, and it would be merely a matter of how often a host is willing to have guests. The impact on the overall comfort of the other residents would certainly be noticeable.

In a large residential building such as ours, with 198 residential units, it would be very difficult to monitor whether a host is actually present, how many guests there are per bedroom, as well as most other regulations that are suggested. Arrangements can be made privately outside the Airbnb/Stayz, etc. systems, and registration and reporting would hardly be an incentive to hosts if there were costs or infringement consequences associated with it. Hotels, motels, traditional B&Bs and holiday rentals have a framework in place, but it is likely to be too onerous for a strata scheme as it is set out to cater for long-term residents.

As far as economic contribution is concerned, is there any data to compare how much money is spent elsewhere in the local economy by the quoted average 2.1 times longer stay of visitors through Airbnb rather than at a traditional short-stay accommodation?

Another aspect is that a considerable number of people using STHL in Sydney are overseas visitors from non-English-speaking backgrounds (based on discussions with residents of other city residential buildings), which presents another hurdle as far as the provision of documentation of Codes and laws as well as communication with guests by staff and management are concerned.

To conclude, I once more quote the letter from our Strata Committee, at Item 1 of Our Position: “We strongly advocate that an Owners Corporation have the right to determine STHL based on a vote by a compelling majority (eg 75%) of owners present or represented by proxy at a General Meeting. We believe that this is appropriate to protect the rights of owners who purchased a lot on the basis of existing restrictions, covenants on title and by-laws. We believe that retrospective disablement of those restrictions (other than with the consent of owners) is inequitable.”

Yours sincerely,

Irene Carson
2. Rental of a whole dwelling (principal residence) with the host away

This would suggest a situation where a home owner is absent from their primary dwelling for a limited period (eg. on vacation) and monetises that absence by renting that residence for the period of their absence.

It is submitted that there should be few limitations placed on an occupier seeking to earn some money whilst they are on holiday. Indeed, there may be a benefit in respect of having a residence occupied, in terms of security and being able to monitor for, and report, potential issues which may arise with the property.

However, in order to prevent abuse of an exception for this use case, a limitation should be placed on the number of nights such accommodation should be made available, at least in respect of lots in a strata scheme.

3. Rental of a holiday dwelling (non-principal residence) with the host away

This would be analogous to an owner of a holiday home, which they occupy from time to time, renting out the property on a short-let basis when they are not occupying the property.

It is submitted that this type of STHL occurs mostly in regional areas and is therefore potentially important to local economies. As such, it should not be regulated in such areas to the extent that it becomes uneconomic to undertake.

4. Rental of a dwelling solely reserved for STHL

This would be where an owner owns a property solely or primarily for the purposes of letting it out on a short-let basis.

In this case, the property is effectively a business. This form of STHL is in direct competition with other forms of lodging, such as hotels and serviced apartments. However, as the property is likely in a single dwelling or a strata scheme, it is possible that the provisions of and regulations made pursuant to the Innkeepers Act 1968, and any applicable fire regulations, are not being applied or adhered to. It is also possible that any taxes or government charges levied on hotel-type accommodations are not being properly collected.

Given that this form of STHL is effectively a business, being a hotel-type activity, it should be the most-heavily regulated form of STHL. Such regulation should be in line with laws and regulations pertaining to hotel-type accommodation and subject to appropriate planning and land use restrictions.

Other matters

- Property values
  It is submitted that having short-lets available within a flat within a strata scheme may be seen as a negative for potential buyers of flats within the scheme, which may serve to generally depress values of flats within the scheme.

- Use of property
  It has been asserted that lot owners should not be limited in how they use their lot. However it is submitted that there are already many limitations on how a lot owner or occupier can use their property; for example in terms of being able to run a business (or the
type of business) from their lot; noise and nuisance; things which may be hung from, or in, windows; and keeping of pets. Simply because a proposed business involves offering space for short-term accommodation does not necessarily place it outside the realm of activities which can be restricted or prohibited.

- By-laws
It is submitted that it is unclear if offering STHL constitutes ‘dealing’ with a property. An STHL agreement is specifically outside the remit of the Residential Tenancies Act (RTA) (per s.7 (d) and (e) and s.8 (c) and (h)). Further, it is submitted that the form of ‘residence’ contemplated by s.13 (1) of the RTA, is of a more permanent nature than STHL.

Further, if a strata scheme has a by-law which is restrictive with respect to STHL, a prospective buyer is free to learn this before they purchase the property. Likewise if such a provision is proposed, an existing owner has the opportunity to vote against it, or to sell their property if a by-law is agreed according to the strata scheme’s voting provisions. There is no reason to disturb this application of a democratic process.

Conclusions
The submitter agrees with Recommendation 10 in Appendix 2 of the Options Paper, but would also support owners’ corporations being given the power to establish by-laws limiting, preventing or regulating STHL within their strata schemes.

The submitter agrees that there may be a need for different regulatory approaches in different regions, for example inner-city areas versus rural areas or coastal / beachside towns.

The submitter is supportive of a registration system for STHL providers. This would allow STHL premises to be regulated with respect to such areas as fire safety, and provide a means of tracking unscrupulous STHL providers. It would also allow different categories of STHL to be subjected to varying levels of regulation.

The submitter is therefore supportive of the regulatory regime in San Francisco. This approach appears to strike a balance between providing short-term accommodation so as to support the tourism economy, whilst ensuring that demand for hotel-like accommodation is met by hotels. Importantly, it also promotes the security and interests of users of STHL by ensuring that providers are not running virtual hotels, whilst seeking to circumvent hotel-industry regulations, by ensuring that there is regulatory oversight and traceability of STHL providers.