

Dear NSW Government,

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

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

I wish to support the following options:

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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.

Glenda Wahlert

5301

Dear NSW Government,

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Elizabeth Waite

5302

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Jaime Walker

5303

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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.

It also gives people the opportunity to use their underutilized resources, major benefit of the sharing community.

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Jocelin Walker

Name: Joshua Walker

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.

The Coffs Harbour region is a perfect stop-over for people travelling between Sydney and Brisbane and we provide a family and pet friendly accommodation option in an unused section of our large home. Most of our guests do not use the kitchen facilities, rather they dine out in Sawtel cafes and restaurants for breakfast, lunch and dinner. This provides income to our local community, which relies heavily on the Tourist Dollar. We have chosen to use a section of our home for short-term holiday lettings due to the need for extra income when nearly retirement was forced upon our family due to serious illness. Working from home provides a trickle-income that has enabled us to keep our home and pay our mortgage. If we were to be forced to pay extra costs, it would not be worth our while as we do not earn a significant income as it is. There would be many people in a similar situation in the Coffs Harbour region who would suffer.

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

Josh Walker

5305

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Laura Walker

5306

To the New South Wales Government, Director of Housing Policy.

I write to register my extreme displeasure at the proposal to compel strata buildings to allow short-term letting.

I live in an apartment block in the Rocks Sydney. In effect, this proposal:

1. legislates to allow bucks-parties to deny me sleep.
2. It legislates complete strangers access to a building previously held to be safe AND secure
3. Incentivises nefarious activities like unregulated prostitution

All against the express will of the residents.

I cannot comprehend in what interest to the people of New South Wales this legislation is intended to be.

Instead, it seems to priorities the commercial interests of such poisoned platforms as Airbnb in favour of citizens.

I would ask the director of Housing policy to please reply to this email, and to explain the reasons for sacrificing the peace and safety of unit dwellers of the state.

Lindsay Walker

5307

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*Sara Walker*

SaraWalker

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Ian Wall

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Alastair Wallace

My family and I have lived in Byron Shire for 20 years as permanent residents. My wife and I purchased our home in a residential area. We did not purchase in a zone where tourist and visitor accommodation is allowed. If a holiday let was beside the home that we purchased 20 years ago, we would not have undertaken the purchase. Twenty years ago there was some holiday lets in the area and they had a reputation as being party houses and damaging residential amenity. There should be no retrospective rezoning by government.

During the past seven years our immediate neighbours and my family have been subjected to unregulated and disruptive illegal holiday letting from an adjoining holiday let. Within a 200m radius there are 12 illegal holiday lets that have created similar disruptions to other neighbours who are permanent residents. The behaviour of occupants in these holiday lets has severely damaged neighbourhood amenity. Occupancy rates for many of these holiday lets are 80 to 90% all year round.

In regional Byron Shire, demand for short term holiday lets is continuous. This is contrary to the statement made on page 7 of the Options Paper which says that demand is seasonal based around school holiday periods.

The holiday let is located in an R2 Residential Zone. Planning laws clearly indicate that short term holiday letting in this zone is a prohibited and illegal activity. Byron Shire Council at their General meeting on June 22, 2017, voted to rescind the moratorium on prosecution of illegal holiday lets. This prosecution could involve legal action in the NSW Land and Environment Court.

On page 10 of the Options paper it is recognised that “STHL occupants may differ from most long term occupants in that they may:

- . prioritise leisure or festive activities
- . be unfamiliar with local rules to manage amenity
- . be less concerned to maintain good neighbourly relations”

My family has been subjected to successive boisterous groups whose behaviour goes well beyond the norm for a quiet residential area where permanent residents need to have peace and quiet for rest and sleep to enable them to successfully fulfil work, school and other community commitments. People on holidays tend to behave differently to long term residents residing in their own home. On the occasions that I have spoken to disruptive tenants I invariably received a response such as, “We have paid our money and we can do what we like” and “We don’t follow rules when we are on holidays”. In other words they are constantly in “holiday mode” in a residential area.

Some holiday lets tend to attract a number of people whose behaviour would not be tolerated by traditional accommodation providers such as resorts. One local holiday let has stated on their website that they offer “More freedom than a resort”, implying that there is a lack of rules to control offensive noise and antisocial behaviour.

The large majority of occupants in this adjoining holiday let have subjected my family and neighbours to disturbance which has disrupted our residential amenity. There have been a number

of parties, including all night ones, with amplified music, and, bucks parties with prostitutes attending.

At one of these parties the antics of the prostitutes and the 15 to 20 males could easily be heard in adjoining residences. Hard core pornography with the volume turned up high could be seen on a large screen in a front room of the holiday let by pedestrians walking on the street. The sound of breaking glass from empty bottles thrown into a bin in the backyard was accompanied by chanting, and drunken males screaming "hurry up it's my turn for a f...". Police were called twice that night. There have been other occasions that prostitutes have come to this holiday let to service the occupants.

This holiday let states that they have a no party/function policy but the neighbours have been subjected to functions including a wedding with 80 guests where vehicles blocked traffic movement in the street and resultant offensive noise. Holding a wedding function in a holiday let in an R2 zone is prohibited by Byron Council.

We have observed illegal drugs being openly consumed in the backyard with lines of cocaine being snorted by holiday let occupants. The odour of marijuana smoke regularly wafts into our home.

These few examples of disruption, amongst many others, to residential amenity described are not expected normal use of a residence in an R2 residential zone. One well known online disruptor states in their advertising encourages occupants to "live like a local". My local permanent neighbours don't behave in a manner like many holiday let occupants. Disruption has been severe.

A major problem is offensive noise. The Council and Police are sometimes helpful when we cannot tolerate any further disturbance and lodge a complaint. This action only helps control one lot of holiday let occupants but the process has to be repeated with future occupants when our residential amenity is damaged. Many incidents have not been reported or the owners only become aware of them after the departure of offending occupants.

The owner and manager live out of the Shire and are generally unhelpful. When we have complained to them about behaviour of their occupants we have been denigrated and given the impression by them that they regard us as nuisances who should tolerate this disruption to our lives. The owners are only interested in maintaining the \$250,000+ gross return per annum with minimal effort.

Holiday lets have become popular with large family groups and groups of young males and females, and their guests who are intent on partying. With no onsite or effective management and the knowledge that the owner/manager was unlikely to do a check, with some tenants willing to lose their bond, and, combined with consumption of large quantities of alcohol and occasionally illegal drugs, there will be the inevitable offensive noise and antisocial issues.

Offensive noise coming from a holiday let can possibly damage the amenity of a minimum of five adjacent residences.

The NSW Protection of the Environment Operations Act (1997) provides a detailed definition for offensive noise. Summarised, it can be defined as any noise being emitted from a premises which disturbs the comfort or repose (rest or sleep) of someone who is outside the premises. This

qualitative assessment is designed for the Police, and dedicated EPA and local council officers. It is in operation 24/7 and there are restricted hours in place for the use of machinery, pool and spa pumps, mowers, playing of music, etc. There appears to be a problem in interpretation of offensive noise amongst the dedicated officials as the measurement by definition is a qualitative assessment. In the EPA booklet "Dealing with Neighbourhood Noise" it says "what is music to one person is noise to another".

As there are different interpretations of offensive noise this often leads to neighbours being labelled as vexatious complainants by holiday let owners if complaints are made to authorities and/or the owners. This inevitably leads to a breakdown in communication and relationships between neighbours and holiday let owners.

With the growth of short term holiday letting our immediate community has been fractured. The community spirit that existed before this growth has disappeared. Any property that has recently sold has been purchased by investors who live outside the Shire and have no input into the local community. These investors are only interested in maximising their profit and the money that can be made from illegal holiday letting. Their attitude is "my property is my castle and I can do anything that I like."

One of my long term neighbours, who had been living in their home for 15 years, recently sold and left the Shire due to continuing damage to their residential amenity from illegal holiday letting. They could not foresee a satisfactory resolution to this repressive situation.

The long term detrimental impact of holiday lets can only be fully understood when someone has lived beside one. I doubt that any of our State MP's who will vote on holiday letting legislation would like to live next to a holiday let.

These experiences have confirmed my belief that there is no place for short term holiday lets in R2 residential zones. In 2007 a NSW Land and Environment Court judge stated in their judgement that mixing short term letting with permanent residential use was fundamentally incompatible and the effect on neighbours was severe.

It is noted that the Options Paper omitted the option of the State government mandating that Councils apply current planning legislation to prosecute and ban illegal holiday letting. That is to apply the law to an unlawful use in a residential zone.

On page 11 of the Options Paper the following statement is made. "Some jurisdictions and courts in Australia have asserted that STHL can constitute a change in building classification under the Building Code of Australia (BCA). This can affect in NSW, among other things, the fire safety, health and amenity and disabled access (for people with a disability) requirements that apply, as well as whether development approval is required from the local council."

This cautious statement strongly contrasts with the following on page 3 made by the 5 State MP's who authored the Report into Adequacy of Regulation of Short Term Holiday Letting in NSW. They said "finally, we recommend that STRA be considered a residential use and that without special circumstances, no change of use occurs to trigger any issues associated with the application of the Building Code of Australia (BCA)."

I completely disagree with their supposition. There has been no case law to support this supposition. In fact, there is no case law to support this supposition. In the examples I have supplied of disruption to residential amenity there isn't anything that indicates that holiday letting is a normal residential use. Holiday lets commonly attract two or more families and large groups, and, subsequent overcrowding and offensive noise. This is not a normal residential use. Normally, a residential dwelling contains one family unit. The average number of people in a dwelling for Byron Shire is 2.4 persons (ABS Census 2016).

I would have expected that the 5 MP's would have taken due care and diligence by seeking legal advice to support their supposition. An email from the manager for the parliamentary inquiry, stated that no legal advice was sought and neither was it obtained.

Illegal holiday letting currently infringes NSW planning legislation and some Federal laws. If the NSW State Government legislates a holiday letting policy without taking into account Building Code of Australia and the Commonwealth Disability Standards Act, it will infringe these Federal laws. Twelve NSW Councils have already changed their LEP's to allow for holiday letting and they may also have infringed these Acts.

Currently, illegal holiday letting is breaching Section 76B of the NSW Environmental Planning and Assessment Act (1979), which states:

"Development that is prohibited: If an environmental planning instrument provides that specified development is prohibited on land to which the provision applies, or development cannot be carried out on land with or without development consent, a person must not carry out the development on the land".

There are a number of Land and Environment Court legal precedents to support this including the landmark Dobrohotoff vs Bennic case in May 2013. The judgement was based on infringement of NSW planning legislation. A link to this case follows:

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWLEC/2013/61.html>

Further, Section 126 of this Act provides that the maximum penalty for illegal development is a fine of \$1.1 million and a further fine of \$110,000 for each day that the offence is continuing. Higher penalties apply to corporations.

As soon as a home is rented as a business for holiday/visitor/tourist rental, this is a change of use. This will activate Federal legislation, namely Building Codes of Australia (now called National Construction Code) and Disability Discrimination Legislation.

*Online holiday letting providers, owners and managers are using premises for a use which requires consent (basically the commercial letting of a residential property). They provide a service that is a change of use that relates to the definition with the Local Environmental Plan (LEP) and within the Standard Instrument to that of a Visitor and Tourist style accommodation. This use is associated with the definition of a 'Class 3' in the Building Codes of Australia. As such, to use a residential dwelling (Class 1a) or residential apartment (Class 2) for a use, a Development Application from a Council is required.*

*Under current planning controls tourist and visitor accommodation is not permitted in residential zones.*

Following are the *Classes of Buildings, from the Building Code of Australia*, which are affected by a change of use:

**Class 1 - Class 1a** A single **dwelling** being a detached house, or one or more attached **dwelling**s, each being a building separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

**Class 1 – Class 1b (i)** A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m<sup>2</sup>, where not more than 12 reside, and is not located above or below another dwelling or another class of building other than a private garage or  
(ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation.

**Class 2** – A building containing 2 or more sole-occupancy units each being a separate **dwelling**.

**Class 3** - A residential building, other than a Class 1 or 2 building, which is a common place of long term or transient living for a number of unrelated persons. Example; boarding-house, hostel, backpackers accommodation or residential part of a hotel, motel, school or detention centre.  
(Other classes of buildings have not been presented)

**Any change from a Class 1a or 2 building (residential) to a Class 3 building must enact major changes including development consent from a local Council.**

There are different definitions of the term “dwelling”. The definition of a "dwelling" found in the Macquarie Concise Dictionary "**Dwelling: 1. a place of residence or abode; a house. 2. continued or habitual residence**". The majority of court decisions state that 'dwelling' is a place of long term or permanent residence. Items 27 to 60 in the Dobrohotoff vs Bennic case provides detailed information about the definition of a dwelling. The Australian Bureau of Statistics definition is "a dwelling unit is a self-contained suite of rooms, including cooking and bathing facilities and intended for long-term residential use".

New South Wales has introduced its own clarification of the word 'dwelling':

HOME BUILDING REGULATION 2004 - REG 6

Definition of “dwelling”-certain residential buildings and other structures excluded. For the purposes of the definition of "dwelling" in section 3 (1) of the Act, the following are declared to be **excluded** from that definition:

- (a) a boarding house, guest house, hostel or lodging house;
- (b) all residential parts of a hotel or motel;
- (c) any residential part of an educational institution;
- (d) accommodation (other than self-contained units) specially designed for the aged, persons with a disability or children;
- (e) any residential part of a health care building that accommodates staff;
- (f) **a house or unit designed, constructed or adapted for commercial use as tourist, holiday or overnight accommodation;**
- (g) any part of a non-residential building that is constructed or adapted for use as a caretaker's residence.

On the 1 May 2011 the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)* was introduced and adopted into the *Building Code of Australia (BCA)* as well as State based legislation. The objectives of the Premises Standards are to ensure that “*dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability*”. The Premises Standards apply to new buildings and existing buildings being altered and sets out clear parameters for access requirements.

Before 1 May 2011, there were no prescriptive requirements within the building regulations (including previous versions of the BCA) for Class 1b buildings, but lack of access to these buildings was, and still is, subject to complaints under the Disability Discrimination Act 1992.

The application of the access provisions of the Premises Standards and BCA apply to 'specified' types of Class 1b buildings:

- A newly constructed Class 1b building where one of more rooms is made available for rent.
- An existing residence (i.e. Class 1a house, unit, townhouse or the like) is converted to a Class 1b building where four or more rooms are made available for rent.
- An existing Class 1b building is being altered. In this case the new works and pathway from the new works to the principal entrance should comply, as well as an upgrade of the principal entrance if required.
- **It also applies to short-term holiday accommodation such as cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation where there are four or more dwellings used for short-term holiday accommodation on the same allotment. In this case a proportion of the dwellings would need to be accessible.**
- **There are many variations in short-term accommodation that could be made available and landlords would need to carefully consider the implications of any scenario to ensure the correct application of the Premises Standards and BCA.**

If a current illegal holiday let owner wishes to continue to let their building in an R2 residential zone, then they should apply for a B and B license as the only possible option. To undertake this they need to comply with both Federal and State legislation and submit a development application to the local Council. With development consent, the owner or manager must be on the premises whilst it is occupied by guests.

I have spoken to many people in Byron Shire who have been negatively impacted by illegal holiday letting. No one has confidence that the State Government will develop a policy of regulation that will adequately protect their residential amenity. Some felt that any regulation would be biased in favour of holiday let owners and the online disruptor platforms as they are aware from the media that some of these politicians illegally holiday let.

On pages 30 to 31 the Options Paper lists some overseas cities where short term rentals are either completely banned or heavily regulated with severe penalties applying for flouting the law. This list is not exclusive and other countries and cities should be included. Hong Kong and Singapore have banned STHL whilst numerous US and Canadian cities, Amsterdam and Barcelona have either banned it or heavily regulated. Legislators throughout the world have become aware of the damaging affects to residential amenity, and, reduction in affordable rental and housing stock. These legislators have acted appropriately.

The NSW government should undertake its fiduciary duty and legislate to ban STHL as has happened in other parts of the world rather than catering to the online disruptors, many based overseas, allowing them to increase their profits. It has been shown that many of these online disruptors either pay none or minimal corporate tax in Australia.

In conclusion, in contrast to the MP's who authored the NSW Parliamentary Inquiry into Adequacy of Regulation of Short Term Holiday Letting, legal advice from experienced senior counsel has been obtained. It stated that if any policy does not incorporate Building Code of Australia and Commonwealth Disability Standards Act legislation, then it leaves the policy open to a legal challenge.

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.

Our Guests have predominantly been International Guests and have left extremely favourable reviews of our apartment and the Cronulla area. Our Guests comply with all Strata Bylaws and respect the rights of other owners and residents in our Strata Complex. There is little difference in renting an apartment on a 6 or 12 month lease to that of hosting guests.

The world has changed. The NSW Government has an opportunity to show democracy at work. Hosts are providing a service that is demanded across the globe. Let market forces operate and provide the environment for this to happen. There is in reality little evidence that requires Government intervention to suppress or put red tape around an in-demand service.



John Wallace

5312

## **Submission to Short Term Holiday Letting Options Paper**

For the past seven and a half years I have lived beside an unregulated and poorly managed holiday let in a seaside location in Byron Shire. This holiday let is located in an R2 residential zone where tourist and visitor accommodation is an illegal and prohibited activity without development consent. Under NSW and Council planning legislation the only type of tourist and visitor accommodation legally allowed is a B and B where the owner/manager is present. For the past 18 months another illegal holiday let has become my “neighbour” on the other side of my home.

The long term holiday let on one side has severely disrupted neighbourhood residential amenity for the past seven and a half years, the other more recently so. Our previously quiet residential area has been detrimentally changed solely due to illegal holiday letting. I will not go into any detail about this disruption. However, my family has been subjected to parties, including bucks and hen parties, illegal wedding functions, offensive noise and behaviour, and, suffered many sleepless nights or had sleep disturbed from the noise of the holiday let occupants.

Like many other permanent residents I have always believed that Byron Shire Council has a fiduciary duty to apply planning legislation and prosecute illegal holiday letting so that it ceases operation. If necessary, this action should involve Land and Environment Court prosecution.

Byron Shire Council voted to put a moratorium on prosecution of illegal holiday letting in place in early 2013. The legality of this moratorium was doubtful. When Council began the process of developing a policy for regulation of holiday letting, I took the pragmatic view and supported Council’s effort. I believe holiday letting has grown out of control and requires regulation so that the residential amenity of those, who live and contribute through paid and voluntary work to this community, is protected.

During the past 18 months there has been an unprecedented growth in holiday letting in Byron Shire. The latest figures from *Inside Airbnb* show an 80% increase in listings (October 21, 2017). In April 2016 there were 1,483 listings on Airbnb with 62.4% whole homes listed. Today, that has increased to 2,665 listings with 75.9% whole homes being listed. As there are a number of holiday lets that don’t advertise on Airbnb, a more realistic figure is that there is approximately 3,000 holiday lets in Byron Shire.

On page 4 of the Parliamentary Inquiry Report into holiday letting it states that, “Councils should have some flexibility” in regulation. Further, on page 12, “The claim of impacts on community viability was particularly strong in evidence received from Byron Bay.....we believe Byron Bay is an unusual case and not representative of most communities. It is not always effective policy to design a regulatory system to meet the demands of an unrepresentative case. The needs of Byron Bay will also be better served by data collection and hopefully the other recommendations we make will also assist that community.”

The MP’s who wrote this report state they are only hopeful that their recommendations will help the Byron Shire community. I, and many others in this community, don’t share their confidence. How will better data collection help to protect residential amenity?

On page 9 of the *Options Paper* it says. "There is value in giving councils some flexibility to reflect their area's specific circumstances." I agree with this statement and am aware that Byron Shire Council also agrees. I am amazed that the *Options Paper* does not offer this as an option.

I have participated in and followed Byron Shire Council's process of community consultation since 2013 to develop a viable holiday letting policy that suits that community. There was a series of meetings and workshops with all stakeholders, and, two public exhibitions where there was wide consultation over 3 years. I was baffled by the DPE and Parliamentary Counsel rejecting **all** regulations that protected residential amenity when Council's policy for exempt was submitted. I could not understand when a major regulation, the "3 strikes and you are out" rule, was rejected. This had been accepted by Parliament in 2014 in Gosford/Wyong's holiday letting policy. Why shouldn't it have been accepted in Byron's policy?

On page 30, the *Options Paper* describes the holiday letting policy in Western Australia. The Western Australia (WA) Government has been a leader in legislating for the regulation of holiday letting in Australia. In response to issues of minimal regulation and damage to residential amenity the WA Planning Commission in 2007 prepared *Planning Bulletin 99, Holiday Homes Guidelines* which allowed local governments to develop a local planning policy dealing with holiday letting. This best practice policy provides guidelines for individual Council areas to have the flexibility to develop their own policy that suits their particular conditions.

A number of shires, including Margaret River, Denmark, the Cities of Busselton, Fremantle and Perth have developed policies. The City of Busselton's *Holiday Homes Local Law 2012*, not described in the *Options Paper*, is a "better practice" policy. There are 600 holiday homes registered in that shire. Busselton and Denmark Councils have a "preferred areas" (zone or precinct) policy for holiday letting.

There are weaknesses in the Busselton policy as there is no stipulation as to how many substantiated complaints are required before registration is withdrawn and complaints to owners/managers made by neighbours of holiday lets may take up to 12 hours to be enacted upon, which is too long for the problem to be resolved. Nevertheless, the two tiers of government in WA are actively recognising and addressing the problem of holiday lets.

In WA, any existing holiday let, before applying for registration, must demonstrate that there is a history of operations with minimal or no impact on the amenity of neighbouring properties. This is a requirement of the Western Australia Government Planning Commission that WA councils use in their holiday letting policies. The WA Parliament has allowed councils to set fees and other charges, for example a registration fee and fines are legislatively permitted to be applied if regulations are broken. This will allow councils to recoup any expenses involved so that any costs are not a burden on ratepayers.

The *Options Paper* on page 30 says "The City of Perth requires planning approval for short term holiday letting as a change of use. These applications need to address fire safety and disability standards".

The message here is that the City of Perth Council and some other Western Australia councils are abiding by Federal legislation. If a residential dwelling, a class 1(a) building, wants to be used by the

owner as a short term holiday let then there is a change of use to either a class 1(b) or class 3 building. Development consent is legally required. The same principle applies to a strata unit where it will change from a Class 2 to a Class 3 building. However, it seems that the *Options Paper* ignores Federal legislation requirements.

I believe that it is important for any potential holiday letting legislation to model the WA experience: that is to provide guidelines and allow Councils to develop their own policies rather than have a “one size fits all” policy.

However, in any policy, the following should be included:

- 1. Zones or Precincts.** Councils should be legislated to develop zones or precincts that allow for a mix of residential and STHL, or purely residential where no STHL are allowed. Where there are streets with an existing majority of homes which are currently used as holiday lets these could be zoned for commercial holiday lets. This gives certainty to permanent residents who wish to reside in a purely R2 residential zone.
- 2. Development Consent.** In a residential zone from the minute that a residential dwelling is short term holiday let, Building Code of Australia (National Construction Code) and Disability Access to Premises legislation applies. A class 1(a) building (single residential dwelling) will change to a class 1(b) or class 3 building. A class 2 building (strata) will change to a class 3 building. Therefore, development consent is required where fire, safety, parking, waste disposal, etc. is a necessary requirement. Neighbours would also have to be notified for comment.

A number of STHL have illegal conversions, alterations and additions that have been made into additional bedrooms without council permission (e.g. converted garages, additional rooms). In applying for development consent the owner needs to abide by the original legally approved DA in stating the number of bedrooms in the dwelling. Council needs to check archived DA's to confirm the number of legal bedroom. This will prevent dispute about the number of bedrooms when an application for a DA and registration is undertaken.

- 3. Registration.** The Parliamentary Inquiry Report stated that data collection is essential. Registration should be done when consent to a DA is given. Local Councils are the best government body to undertake this. A charge should be applied so that administration costs are not borne by ratepayers. Annual renewal of registration should be applicable.
- 4. Number of bedrooms.** There could be a potential scenario for unrelated family groups consisting of 5 couples each having 2 children under 5 (a total of 20) to occupy a 5 bedroom STRA or twelve or more occupants sleeping in a three bedroom house. Normally, there would not be such a large number of occupants in a residence in Byron Shire overcrowding (the average dwelling occupation in Byron Shire is 2.4 persons (ABS Census 2016)). Not only would there be overcrowding but there would be resultant offensive noise from this number of persons in a domestic dwelling. From experience, some family groups can emit as much offensive noise as a group of young singles, who are intent on partying.

In addition, there would be fire safety concerns with such a large number of occupants sleeping in a house. Government should be understandably concerned about the increased

fire risk to occupants, who are in an unfamiliar dwelling. Clarity on this matter would allow a legal framework for increased fire safety.

Any holiday letting policy needs to err on the side of caution in this matter and adopt Wyong Council's regulation of 2 persons per bedroom of any age up to a maximum of 8 persons total for a large STRA. A check on the *Stayz* website reveals that less than 5% of the total listings for Byron Shire allow for more than 8 persons to sleep in their holiday let. I doubt that many owners/managers would allow more than 8 tenants of any age into their holiday let due to increased possibility of damage to their property.

**5. Responsibility of owner/manager to solve residential amenity issues from the STRA.**

An A4 sized sign should be located at the front of the property. Any larger sign will detract from the streetscape.

Not only should the sign say the holiday let is registered with Council but, in addition to the manager/owner 24/7 contact details, it should provide the registration number that was given by council indicating development consent. Further, the maximum number of persons allowed to stay in the registered STRA should be on the sign. This information is useful not only to neighbours but for tenants so that they are aware that they are not breaking the regulation on maximum number allowed to stay. All existing non-approved signage should be removed.

An owner/manager must attend in person if a complaint is made by neighbours within 30 minutes to deal with issues such as noise, parties, anti-social behaviour which affect the residential amenity of the neighbourhood. This puts the onus on them to resolve issues as with traditional accommodation providers. This makes the owner/manager more accountable and responsible for managing and vetting occupants of the holiday let. It also relieves pressure placed on Police and Council Enforcement to resolve issues. This measure encourages owners/managers to undertake efficient vetting of potential occupants and management of the occupants so that there is no or minimal disruption to neighbourhood residential amenity.

The best person to evaluate and act upon problems is the owner/manager who knows the holiday let. They can determine whether the holiday let is overcrowded, evaluate other problems and make immediate decisions such as termination of occupancy and eviction. Councils are restricted in their ability to give protection to residential amenity and opportunities for protection must not be diminished.

**6. Three written complaints and registration is withdrawn.**

Wyong/Gosford Councils in 2014 had STRA policies legislated. One of the regulations was that a holiday let must not have more than three written complaints within 12 months from occupiers of separate dwellings within a 40 metre radius. In urban, rural and semi-rural environments this 40 metre radius is too restrictive. Offensive noise can travel further than 40 metres and keep neighbours awake.

I agree that three written complaints within a year, substantiated by Council, are sufficient grounds for withdrawal of registration for a recalcitrant owner/manager.

**7. Safety issues.**

All short term holiday lets must legally comply with Commonwealth Disability (Access to Premises – Buildings) Standards.

Under the Rural Fires Act 1997, where a dwelling is located on mapped bushfire prone land, a Bushfire Safety Authority under Section 100B must be obtained and all conditions of the Bushfire Safety Authority must be complied with prior to commencement of the use as short term holiday accommodation.

As the holiday let will cease to be a class 1(a) building (a separate dwelling) under the Building Code of Australia, and becomes a class 1(b) or class 3 building, it must have hard wired smoke alarms, evacuation lighting and a fire blanket and extinguisher in the kitchen.

#### **8. Holiday Rental Code of Conduct (the Code).**

There is a need for a Code and a set of regulations and rules for owners/managers and occupants of STHL. This Code should be administered by an independent body consisting of a wide cross section of stakeholders under the chair of an official from government. Self-regulation has been shown not to be successful in a range of industries. The Code must be completely revised so that it is in layman's language and can be easily understood. It must include measures that will protect residential amenity.

Important House Rules that have been in the first version (Minister endorsed) of the Code include "outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between the hours of 10pm and 8am." It should be noted that spa use does not reflect the regulation found in the NSW Protection of the Environment Operations Act (1997). In 2008 there was an amendment to this Act and the regulation changed so that where a spa can be heard in a habitable room then the spa can't be used after 8pm.

Some of the more efficient owners and managers have the regulation that no guests are to be invited and the holiday let is for the exclusive use of occupants only. They have realised that it is often the guests who, being unfamiliar with house rules, are often the people who create offensive noise and other behaviours that disturb neighbouring residential amenity.

Dear NSW Government,

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

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

Why do I travel to NSW using Airbnb?

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

I wish to support the following options:

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

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

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

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

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

Mr Wallace

5314



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Rochelle Wallace

Leave the system as it is, you will only make the mess you and previous governments created worse. NO STHL - NO STHL

5316

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Gemma Walsh

5317

Dear NSW Government,

As you are most probably aware, this is a templated message provided by airbnb. However, I would like to say that I have read through it in its entirety and agree wholeheartedly. Airbnb makes travel easy, cheap and painless. As long as tenants are able to pay their rent, and their guests behave appropriately, there is no reason why house sharing should be restricted.

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

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Tristan Walsh

5318

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Debra walters

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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.

Duo Wang

5320

26 October 2017

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

cc: NSW Premier; Lord Mayor City of Sydney, Minister for Planning

Dear Sir/Madam,

Response to Short-Term Holiday Letting Options (STHL) Paper

I see with dismay the suggestion that strata units will be forced to allow STHL via Air-BNB and similar projects. While Air-BNB can be a great thing, it can also be a disaster, where one unit can make the lives of all around them a misery. Units with STHL situated near CBD, beaches, and other tourist spots can turn into party central. Most strata buildings do not have 24/7 security to monitor and control noise and disruption. Most strata buildings are managed by unpaid volunteers, and to expect them to take on security roles is unfair and possibly dangerous. It's also unfair to expect the other owners to pick up the cost of control and repair to common property. There's no point in giving strata bodies "extra powers" to control STHL's that go wrong because (a) that comes into play after the damage is done and (b) it increases the already onerous load on unpaid volunteer committee members. I see STHL being portrayed as a way struggling mum and dad owners can make a bit of extra money. For many, that will be so, and good on them. But there's also the aspect of wealthy property investors buying a unit, and making a heap of money, far above the long term letting average, in STHL, but to the detriment of the resident owners in the block. Strata is different from free-standing houses. It already uses a democratic way of deciding what by-laws will be adopted. Each strata committee should be allowed to decide whether they want STHL or not. The government should not be forcing this on all of us.

Yours faithfully,

Susan Wannan

5321

Dear NSW Government,

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

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

Why do I travel to NSW using Airbnb?

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

I wish to support the following options:

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

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

teora ward

5322

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Nicole Warner

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Dianne Warnes

5324

Dear NSW Government,

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Jon Warren

5325

Dear NSW Government,

We have more than three years experience with Airbnb, both as guests and as hosts (in Melbourne).

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

We have had more than 100 guests stay with us in our Melbourne apartment. Many of these people would not travel if they were required to stay in hotels, or would have visited Melbourne for a much shorter period. The effect on the Victorian economy is significant.

Extreme regulations, and red tape like caps and costly registration processes could severely affect our ability to travel using Airbnb and restrict our choices as a traveller. It would have a significant impact on the NSW economy. Please accept this as a formal submission to the Options Paper.

Why do we travel to NSW using Airbnb?

At Easter when we attend the music festival in Byron Bay the accommodation options are limited, expensive and booked well in advance. The festival could not be the success it is without Airbnb hosts opening up their homes.

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

We 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.

Note that we do not support Section 5: Strata Regulation - Airbnb has rules to deal with bad hosts and isolated incidents of unruly behaviour. We would not support a regulatory environment which allows Owners Corporations to ban outright short term rentals. Hosts definitely do not want their apartments to be used as party houses and have other mechanisms available to them. Long term renters are more likely to be a problem for strata unit dwellers generally.

We 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.

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Dennis Warren

5326

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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Stephen Warwick

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.

We would like to register our concern about the right to continue to share our home with the Airbnb community.

We have used Airbnb worldwide and it has been wonderful to meet new friends and people who are generous enough to share their homes at very reasonable costs. One often feels that the choice of homes, units, studios or general accommodation is good value based on what they would receive elsewhere. Living like a local with the beginnings of meeting new friends is always a great way to travel. One feels supported in many ways.

We also host an Airbnb and as people who have retired and who's children have (for the moment) left home, it is a great source of income and pleasure that we are able to share our home. Sharing our home empowers us to feel useful and earn income to enjoy retirement and plan future travel.

We have spent time and substantial money to make our home delightful to the traveler offering comfortable and an enjoyable experience. All these expenses have contributed to the local economy.

We chat with visitors about the local area and offer insights into the great places to see in the area. We highlight and recommend places to eat and visit during their stay. They have appreciated our input and have said so in their reviews. Any visitor can use their time well by planning their stay seeing the community as if a local.

Airbnb guests spread the tourist dollar so that suburban businesses thrive as well as the hosts. We have provided word of mouth recommendations for local businesses and services.

We have hosted many people from overseas and have felt that we are ambassadors who give visitors an insight into the incredible friendliness of Australians, encouraging them to stay longer and spend more in the local area.

As Airbnb hosts we are constantly being reviewed to ensure the standard of service is maintained. Likewise the travelers have to maintain a set of house rules in order to lessen impact on neighbours. We have found that the 70 couples who have stayed with us, have always been respectful of the property and minimizing any impact on the neighbourhood. We offer off street parking and don't contribute to street congestion.

We feel that Airbnb has offered us a way to enjoy retirement and given us another interest in travel to great places and meet like-minded travelers around the world.

Why do I host with Airbnb?

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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.

Lina Wasson

5328

Dear NSW Government,

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

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Neil Watts

5331

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

5332

To whom it may concern,

We the Owner's Corporation SP91667 of Aspire Apartments, 11-15 Alberta Street Sydney do not support short-term leasing such as AirBNB due to several problems that we have had with past tenants and owners who are operating these short-term leasing businesses in the building. Our issues with short-term leasing in this building are as follows:

1. Extensive damage caused to common property/Strata controlled areas of the building by short-term leasing tenants. In the past this has caused the Owner's Corporation to clean up damage and mess caused by people who are only staying in the building for a short time. The result of this was higher insurance premiums for all owners in the building and the inconvenience caused to residents of the building while repairs and clean-up were taking place.
2. Dangerous and loud behaviour exhibited by people in short-term leasing apartments which have resulted in noise complaints, disruption and inconvenience to normal tenant's lives. Also, the throwing of rubbish and glass bottles down into the street which could have caused severe injury or death to those below. This intolerable behaviour condemned by the Owner's Corporation.
3. Higher Strata fees for all owners have become a necessity as security systems needed to be upgraded throughout the building, including installing a complete CCTV system throughout common property areas due to damage and disruption previously caused by short-term tenants.

While we respect the rights of people within the building to do with their property as they wish within the by-laws, it should not come at the expense of the other owners in the building, as it has in the past and most certainly will in the future if Owner's Corporations are not given the right to choose whether or not the building allows short-term leasing.

The Owner's Corporation of Aspire Apartments supports any change of legislation to allow the Owner's Corporation of a building to determine democratically whether or not short-term leasing occurs within the building.

Aspire Apartments Owner's Corporation acknowledges that while some people may wish to engage in short-term leasing of their properties, there are properties in Sydney and the surrounding suburbs that have been built or are being built specifically for that purpose and we would encourage these people looking to invest in short-term leasing to concentrate their efforts towards buildings that are either purpose-built for short-term leasing or openly in support of short-term leasing.

With thanks,

The Owner's Corporation SP91667,

Aspire Apartments,

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. It also makes it very easy to travel with our 2 dogs.

I wish to support the following options:

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

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

I wish to register my opposition to the following options:

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

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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.

Leanne Webber

5334



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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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.

Veronica Webber

5335

Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 6 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts' homes in a responsible and respectful way, and I know that Airbnb's review system keeps hosts and guests accountable for their travelling behaviours.

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

Why do I travel to NSW using Airbnb?

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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.

Ste'en Webster

5336

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. My husband and I travel with our family and find the ability to rent a short stay home rather than the expensive option of a hotel for all of us is not only more affordable but it is a great way to take a much needed holiday as a family. We have used Airbnb all over the world and are always incredibly respectful of people opening their homes to us and absolutely embrace our responsibilities as guests 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 our ability to travel using Airbnb and restrict our choices as a family. Please accept this as a formal submission to the Options Paper.

Why do we travel to NSW using Airbnb?

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Anne Webster

5337

## Appendices

### Appendix 1 – STHL Options Paper Submission Form

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

Introduction	
1	Do you use or have you ever used short-term holiday accommodation?
	Yes
2	Are you or have you ever been a short-term holiday accommodation host?
	Yes, I am a short-term rental host
3	Do you provide another form of short-term holiday accommodation?
	No
4	Do you live near a property that provides short-term holiday accommodation?
	Yes, other homes in my neighbourhood are available for short-term rent
5	Are you from an STHL industry group, owners' corporations or community group?
	No
Impacts Associated with STHL	
6	<p>Please indicate below which impact(s) are you most concerned about and how do you believe these could be managed.</p> <ul style="list-style-type: none"> <li>Noise</li> <li>Waste</li> <li>Party Houses</li> <li>Parking</li> <li>Hazards and Evacuation</li> </ul>
Self-Regulation	
7	<p>Considering the mechanisms below, how could self-regulation in NSW address any negative impacts of STHL?</p> <ul style="list-style-type: none"> <li>The Code of Conduct</li> <li>Complaint Management Mechanism</li> <li>Monitoring &amp; Reporting</li> </ul>
8	<p>Are there barriers that may reduce the effectiveness of self-regulation?</p> <p>No</p>
STHL in Strata Properties	
9	<p>Should owners' corporations be given the legal ability to prohibit or restrict STHL? If so, how and under what circumstances?</p> <p>No</p>
10	<p>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?</p> <p>Yes, fair compensation in the form of a small percentage of the rental returns, should extra cost be likely.</p>
11	<p>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?</p> <p>Yes, self-regulation is the most effective and fairest without restricting the positive impact of STR</p>
Regulation through the Planning System	
12	<p>How should STHL be subject to a planning regulatory framework? What would be the impacts of applying a planning framework to STHL?</p> <ul style="list-style-type: none"> <li>Exempt</li> <li>Complying</li> <li>Development Consent</li> <li>No planning regulation</li> </ul> <p>Please indicate your reasons below:</p>

13	<p>If STHL is to be regulated via the planning framework, how should it apply?</p> <ul style="list-style-type: none"> <li>• Number of total days per year</li> <li>• Number of consecutive days</li> <li>• Number of bedrooms</li> <li>• Length of stay</li> <li>• Presence of a host</li> <li>• Location (<i>metro vs. regional</i>)</li> <li>• Compliance with a Code of Conduct</li> </ul>																														
14	<p>Should there be different planning frameworks in regional and metropolitan areas? If so, how and why?</p> <p>No, everyone should have the same opportunity to benefit from the sharing economy</p>																														
Registration or Licensing																															
15	<p>Could a licensing system for STHL work in NSW? If so, how might it operate?</p> <p>No, it should be the equivalent to long term rent where no licenses are required</p>																														
Summary of Options																															
16	<p>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?</p> <p>(Please tell us the reasons for your choices).</p>																														
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<div>Themes</div> <div>Multiple Options</div>	<table border="1"> <thead> <tr> <th>INDUSTRY SELF REGULATION</th> <th>STRATA REGULATION</th> <th>PLANNING REGULATION</th> <th>REGISTRATION</th> </tr> <tr> <td>Refer Section 4</td> <td>Refer Section 5</td> <td>Refer Section 6</td> <td>Refer Section 7</td> </tr> </thead> <tbody> <tr> <td>Code of conduct</td> <td>By-laws to manage visitor behaviour</td> <td>Development approval - exempt/complying</td> <td rowspan="2">Registration to manage safety and amenity issues</td> </tr> <tr> <td>Complaints management</td> <td>By-laws to receive compensation for adverse effects</td> <td>Development approval - development consent</td> </tr> <tr> <td>Education</td> <td></td> <td>Limit the length of stay</td> <td rowspan="2">Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met</td> </tr> <tr> <td>Monitoring and reporting</td> <td>By-laws to prohibit STHL</td> <td>Limit the number of days per year</td> </tr> <tr> <td></td> <td></td> <td>Limit the number of bedrooms</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Regulate by whether the host is present when STHL takes place</td> <td></td> </tr> </tbody> </table>	INDUSTRY SELF REGULATION	STRATA REGULATION	PLANNING REGULATION	REGISTRATION	Refer Section 4	Refer Section 5	Refer Section 6	Refer Section 7	Code of conduct	By-laws to manage visitor behaviour	Development approval - exempt/complying	Registration to manage safety and amenity issues	Complaints management	By-laws to receive compensation for adverse effects	Development approval - development consent	Education		Limit the length of stay	Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met	Monitoring and reporting	By-laws to prohibit STHL	Limit the number of days per year			Limit the number of bedrooms				Regulate by whether the host is present when STHL takes place	
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<p><b>Note:</b> The policy options for STHL could include regulatory or non-regulatory approaches, or a combination of both. A combination of options from any rows or columns (or/and other options not covered in the paper) can be chosen to suggest a policy framework for the STHL in the submission form.</p>																															



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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.

Adrienne Weddepohl

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jenni weekes

5340

Dear NSW Government,

As a new Airbnb Host - not quite a year- I regulate who comes to my Airbnb - 2persons and for how long - 2-3days maybe 5! My rules are clear - no noise after 10pm, no children or babies, no disturbance of any kind as I respect my neighbours right to privacy and a quiet environment! As I live above my Airbnb I expect and provide a private and respectful guest stay! As a result I am a SuperHost and proud of the title! Airbnb must continue as it enables guests to choose between a vast range of accommodations and facilities! We offer 'out of the way' special places not available by other rentals!

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Dr Weeks

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Bryce Wegener

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wendy Wei

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Why do I travel to NSW using Airbnb?

It's just great to stay with people who live in that city so you can get to know the culture and nice places much better. I think it's very important for the world peace to keep this opportunity for foreigners.

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Frederike Weigelt

5345

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Bradley Weir

5346

The Director, Housing Policy  
Department of Planning and Environment  
NSW Government.

Dear Director,

I am writing in response to the STHL Options Paper published by the NSW government with particular reference to the impact these recommendations would have on Strata Plans. Together with my husband I am an owner occupier of apartment 1705, 3 Kings Cross Rd Rushcutters Bay, Strata Plan 64622.

The Altair (SP64622) is a well run building thanks to the efforts of the unpaid volunteers who form the executive committee . As a consequence of a democratic vote at an AGM we have a by-law which prohibits short term letting. The adoption of the recommendations in the STHL Options Paper would remove the right of the majority of owners in this building to determine whether or not STHL is allowed. Yet every Strata Committee is required by law and considerable regulation to organize the efficient running of their Strata Plan in the interests of the majority of owners. It is a transparent process, a democratic process and a very time consuming one, but there is no financial reward for the time taken to ensure that the Strata Plan is properly run.

I believe that Strata Plans should be exempted from the recommendations of this paper . The situation with Strata is completely different from that of a free standing dwelling. The building , land and facilities which include lifts, stairwells gardens, gyms, pools etc are jointly owned by the Owners Corporation of the Strata Plan. It still is the case that the Strata Plan Community is responsible for making decisions regarding the maintenance and financing the upkeep of those facilities . At present those facilities benefit owners and tenants who are bound by regulation to follow certain behavioural guidelines whilst in and around the building.  
In reality, no such restrictions will be able to be applied to STHL tenants.

The removal of the right to prohibit STHL in the Altair will completely undermine the rights of owners who see the Strata community as their home and not as an unregulated hotel . I strongly argue that Strata Plans should be allowed to continue to control their communities through by-laws that reflect the majority sentiment of each Strata Plan. To remove that right is to offer unregulated support to companies which are promoting short term rental purely for financial gain and to ignore the rights of apartment owners to control their community space.

Yours Truly,  
Shaynee Wellington

Shaynee & Kevin Wellington

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Name: Nigel Wells

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 am a self funded retiree that bought a holiday home in Longbeach Batemans Bay and to allow me to afford the upkeep and outgoings I have listed it with Stayz to raise enough money to help with costs.. Further conditions and costs imposed by government would make it unviable to offer this service to holidaymakers

5349

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Rebecca Wendel

5350



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Michael Wendt

5351

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 led 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.

Dear Sir/Madam

My wife and I have occasionally rented 1 and sometimes 2 rooms in our 4 bedroom home since 2012 as we are retired and our children have left home (occasionally returning for short periods). In 2015 we discovered we needed approval to do this so we commenced the formal approval process with the City of Canada Bay. Attached is information provided with that application that outlines the (very low) level of use, the lack of neighbourhood and environmental impact, and the approval received from our Community Association.

Ultimately we did not proceed with the application because we discovered it would have required a formal report from a fire safety professional which was quoted to be in the vicinity of \$4000 despite the fact that our type of STHL is a "permitted" activity in the R3 zone in Canada Bay. The cost of this report seemed excessive when added to the cost of submitting the DA and compared to the relatively little income we were making from the activity. Also I discovered that the NSW Government had set up a committee to thoroughly examine the issue with recommendations due in October 2016. So we decided to wait for this process to be completed. We did not make any submission to that Committee examining the issue.

I was happy to read in the Committee's report that "STRA is generally operating successfully and generating a low level of complaints ....." because this was our experience. I was also heartened to read that "The Committee recommends that short term letting of rooms in any property where the landlord or host is present be permitted as an exempt development" (Recommendation 2). This was our situation.

However I was then dismayed to find that rather than accept the Committee's well researched recommendations, there was to be a further Consultation Process. I cannot understand why a Government Committee is set up to conduct an extensive review of any issue only to have its recommendations ignored! All this does is to provide active, well organised lobby groups another opportunity to affect the outcome. This is why I felt I should make a contribution to this Consultation process, to represent people like us.

My wife and I are part of the **large majority** of people who have up to now operated STHL with **zero complaints** ..... without the need for any regulation. I am sure there are instances where STHL does cause disruption to a neighbourhoods and I agree that those with legitimate issues should have an avenue for action. However if the (normally silent) majority are using their own homes and property responsibly, and considerately, there is no argument for introducing the expense and time required in a formal approval processes. The Government's own Committee initially reviewing this activity has reported "**STRA is generally operating successfully and generating a low level of complaints .....**". Given this was the conclusion after an extensive review of the facts it is hard to understand why special interest groups (that have probably already provided input to the original Committee) are being given another opportunity to influence the final outcome.

**We therefore argue strongly for adoption of all of the recommendations contained in the Legislative Assembly Committee on Environment and Planning's original report** ("Adequacy of the Regulation of Short-Term Holiday Letting in New South Wales").

Thank you for considering this input

Sincerely

Barry & Bev West

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Steven westlake

5354

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Gerard Wheatley



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Janelle Wheatley

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Home sharing provides a more flexible and affordable option for holidaying, especially with my growing family and my dog!

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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.

Trisha Whelan

5358

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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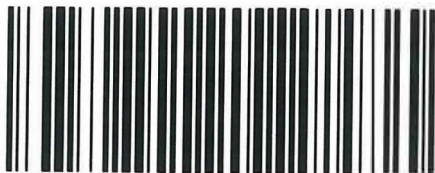
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Suzanne Whitaker



PCU072753

25 October 2017

Director of Housing  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001



Dear Sir/Madam

Re: Short Term Letting

I write concerning the short term letting in apartment buildings which appears to be getting totally out of control within the Sydney city area.

I have lived in my apartment for the last 20 years and when I purchased the property it was because of the strict terms and conditions which were in the By-Laws. My objections to the short term letting in my apartment building are as follows:

- 1) Overcrowding of rented apartments;
- 2) Loud music;
- 3) Late night parties;
- 4) Over-use of facilities, e.g. lifts, lighting, heating etc.;
- 5) Over-crowding of gymnasium, swimming pool and misuse of equipment and not obeying the rules in gym and pool;
- 6) Excessive home food delivery services and incorrect disposal of rubbish;
- 7) Damage to interior of doors and lifts with luggage and damage to carpets dragging luggage;
- 8) Continued lettings will decrease the value of individual properties within the building
- 9) Inappropriate demands and approaches to staff such as cleaners, managers and concierges;
- 10) Occasionally wearing offensive clothing in the building.

Observatory Tower By-Laws require 3 confirmed references for each person living within and with the short term letting, these people are unvetted and unknown.

I would request that your department take the above very seriously before allowing any short-term letting be made available to most apartment buildings, especially Observatory Tower and I know that fellow residents in surrounding high-rise apartment buildings, hold the same views as mentioned within this letter.

I wish to hear from you in the affirmative in the very near future.

Yours sincerely

Barbara White

Dear NSW Government,

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

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

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Rachael White

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Tracie White

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Why do I travel to NSW using Airbnb?

I am a small business owner with limited funds to use "Standard" hotel style accommodation. A part of my business is teaching wellness and education families and with the number of days I am away with each trip, there is no way I could afford to pay for hotels at their daily rate. Airbnb accommodation has allowed me to expand my business regionally and into other states. My income would not support travel and accommodation costs if I did not have the Airbnb option.

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Gina Whitelaw

5363

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Why do I host with Airbnb?

My husband and I began hosting in 2014 as a means to earn some additional income to help with our large Sydney Mortgage. Our Airbnb earnings have been used to help us pay to improve the drainage in our property. We have installed an underfloor ventilation system, dug retention pits and redirected the flow of water away from our home. Additionally, we have re-wired our entire home and re-surfaced our swimming pool with our earnings.

On a personal level, in 2015 we were married at a local wedding venue. Our Airbnb earnings significantly contributed to the cost of our wedding and went a long way to ensuring we had event of our dreams.

In 2016, we fell pregnant and had our first baby in November. My husband and I are both in the health sector in a private hospital on the north shore, and as such I did not receive maternity leave payment from my employer. With such a large mortgage, without our Airbnb earnings, I would have had to return to work much sooner than I did and would have been forced to entrust my baby into the hand so of strangers.

Airbnb has allowed us to live a much better life. It has meant we have been able to put our primary income towards our mortgage, and our additional earnings towards improving our home and funding our personal lifestyle choices.

The nearby suburb of Avalon was a ghost town just 10 years ago, however now it is a thriving community depending on the influx of visitors to the area. Many of the guests to our home are infact Sydney residents. There are 3 wedding venues in the Peninsula - Jonah's, Moby Dicks and The Boathouse. Huge numbers of people descend on the area every weekend, however there are only 2 hotels offering a very limited number of rooms for accommodation. Without Airbnb hosts, both wedding and other guests to the area would have to drive late at night and this is obviously not ideal after celebrations.

At no point do we believe Airbnb hosts compete with the hotel industry in our area. Rather we, as Airbnb hosts, believe we complement the hotel industry by providing a completely different experience for guests and allowing larger families and friendship groups to relax within a home environment, rather than the confines of a hotel room.

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Thankyou for your time, and please consider this submission and others in allowing Airbnb home sharing to continue. My husband and I don't know what we will do if our ability to earn an additional income is taken away

Kate Whitelaw

5364

Dear NSW Government,

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Rowena Whiteside

5365

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Alisa Wickham

5370

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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.

jon wightwick

5372

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.

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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.

I have stayed in Airbnbs in Canada, Ireland, Scotland and Britain and had the most amazing experiences and met lovely hosts.

Kerrie Wigley

5373



Name: Gayl Wilkinson

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.

In addition we have a holiday home as part of our self managed superannuation. These changes will also impact the income toward our super and subsequent retirement possibly adding a further burden to future lifestyle. The contribution to local businesses with our holiday rental is important. These businesses will suffer badly with the loss of income. They already struggle.

Kind regards, Gayl Wilkinson

5374

Dear NSW Government,

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

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James Wilkinson

5375

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Jill Wilkinson

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.

Regulations 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?

Without Airbnb, I cannot afford to holiday. Hotels and resorts are prohibitively expensive.

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.

Alex Williams

5377

Dear NSW Government,

I strongly believe in the right of people to share their properties especially in rural areas and regions 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?

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 and my offering in no way competes with traditional forms of accommodation, rather it offers travellers to experience the Australian bush, with respect for the environment being all solar and self sufficient.

I wish to support the following options:

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

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

D Williams

5378

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Why do I travel to NSW using Airbnb?

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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.

Donna Williams

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:

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Enma Williams

5380



Dear NSW Government,

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Norman Williams

5381

Dear NSW Government,

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peter williams

5382

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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Saxon Williams

5383

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Vicki Williams

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Zartisha Williams

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kay williamson

5386



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James Willis

5387

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Why do I travel to NSW using Airbnb?

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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.

Sara Willis

5388

Hi

I am making a submission based on the fact I am a property manager living in the middle of a popular holiday rental area and see and experience the good and the bad of holiday makers.

I live on the Central Coast and our Council has made a few moves to address the ongoing problems of excess garbage, (making holiday homes at least compulsory install a large general waste bin) continual noise disturbance with 2 formal complaints within a year making the holiday home ineligible to be used as a holiday home.

This last point will probably be useful in the ongoing use of 'party houses' drawing to a close and neighbouring residents and other holiday makers getting relief from the 'temporary' residents.

Our Council is allowing all houses up to 4 bedrooms to be used as a holiday home for short term rental, with development consent. For 5 or 6 bedrooms it appears that development consent is required.

For the (exempt houses which have up to 4 bedrooms) homes with deemed approval they are subject to the garbage, parking and noise restrictions. Unfortunately the owners are not aware of this recent change and are still yet to conform, but with time of course they will.

I believe the Local Council should have the ability to use their LEP's to accommodate Short term rentals..

Stayz the holiday rental web site is where my main business comes from and having used their site for nearly 20 years, I can say the main good point is that they INSIST on either a home OWNER or a PROPERTY MANAGER being the only people entitled to list their property on their web site, with proof of local council notice or managing agency attached to their application. This then allows a somewhat CONTROLLED environment for management.

I also use Air BNB and so far no problems, except they are totally uncontactable by phone for a personal talk about anything. I understand the convenience of just using email, but phone conversations are still 'the norm' and they should be able to provide a phone number for either tenants, home owners or managers.

If the holiday rental web sites such as Air BNB do not demand 'proof of ownership or management' the holiday rental industry will then leave the door open to sub letting a property, when the end result of sub letting is the UNCONTROLLED rental of a property with NO ONE being held accountable for parking/garbage and noise/safety issues.

If proof of ownership/management is required the sub letting use will discontinue and the management of the three main issues can be directly dealt with the responsible party and the opportunity to rectify wrongs immediately.

The problem of owners trying to 'property manage' vacant homes or units, without a local representative is highly irresponsible. With neighbours affected by the breeches at all hours of the day, yet no one to complain about the breeches and owners not being contactable IF they have even bothered to tell their neighbours their personal details, which of course most do not.

I believe our Councils new regulations are yet to be tested thoroughly and do not cover the issue of owners living several hours away in Sydney or indeed interstate or overseas and ineffectively looking after their homes and their neighbours amenity being ignored, but their noise and other amenities may be addressed by the threat of having your holiday home de-listed from holiday rental.

Our tourism on the Central Coast beaches is built upon holiday home rentals and continues to grow. As it grows it does need to be more regulated and I look forward to a differentiation between whole houses being rented out and units and apartments in densely populated areas.

I urge the State Government to closely look at the Central Coast Councils policy on holiday rental although it falls short in property management as mentioned above.

Regards,

Barbara Wills

5389

Name: Lisa Wilmshurst

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 currently engage 5 people to work cleaning & maintaining our two holiday homes. They would have less work, if changes were made to the Short-Term Holiday letting.

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

We have many groups of guests staying, that prefer to stay in a house where they can relax and cook for themselves, rather than in an impersonal hotel, where costs are generally much higher.

5390

Dear STHL Committee

I would like to comment on Airbnb and any similar short term accommodation proposals for strata buildings.

I live in a strata building with 35 residential lots and 5 commercial offices on street level. We have an excellent strata manager, a proactive and keen strata committee and by laws that have been updated since 2005 to cover new issues.

Two thirds of the residential lots are rented and while we have some long term tenants who are a great asset to our building, most seem to rent for either 6 or 12 months.

So there is constant moving in and out, and despite updating our by laws to cover as many contingencies we could think of we still have the following issues:

Moving in at any time day or night without advance notice Leaving front door and garage doors opened Propping open fire doors with fire extinguishers taken off our walls The one lift monopolised for hours on end so residents have to use stairs The lift malfunctioning due to doors propped open too long The lift walls scratched and marked due to no advance notice being given and consequently no lift curtains installed by the committee Goods left in hallways and all over the building Cars parked in other lots spaces or blocking entrance Chute blockages due to everything shoved down on last moving out day We've had smokers who deny smoking and thats been a big problem with cigarette butts tossed out of windows and smoke drift.

These are just a few of the issues in a small well managed building - so what happens if and when apartments are offered for short term rental ?

Are we to sell and move out when we can't stand the disruption any more - this is hardly fair when we assumed that this was our long term home.

Do we pay higher levies to cover the inevitable wear and tear on common property ?

Do Airbnb customers follow our by laws ?

Airbnb customers are not confined to within the lot they are renting- they expect to use the common facilities such as lifts, foyers, gyms, pools and gardens but their Airbnb landlord pays no extra for the upkeep of these.

If Airbnb is forced upon us despite our by law that requires a minimum tenancy of 6 months it appears to me to be a travesty of common sense and fairness.

Perhaps a New York system is the way to go with the Airbnb Owners still required to live in the building and a 30 day per year limit ?

Personally, the argument that an Airbnb landlord can earn a little extra money on the side doesn't resonate with me. Today's case as reported in the SMH of the Woollahra/Bondi Airbnb decision seems flawed. Surely a long term resident and owner has a right to feel comfortable in a common property shared laundry- why should a revolving door of different short term tenancies have more rights than an Owner in a Lot ?

Thank you for the opportunity to comment.

Yours sincerely

Bronwyn Wilson

Name: Fiona Wilson

Dear Sir/madam

We operate a short term let property in Port Stephens, NSW.

Such properties operate in a very different manner to strata properties. As a property owner/manager we have a set of 'house rules' and instructions we advise our guests of. We trust that the guest will follow our wishes.

At times we have had guests who feel 'just because they have paid' that they can do anything to your property and or a neighbouring property. It should not be the responsibility of the owner/manager to enforce any further government regulations. When matters go wrong in the rental industry, it has been the owner/manager who suffers through further regulation and costs. Problems are not always the fault of the owner/manager - it is extremely hard for an owner/manager to hold a guest accountable for their actions and behaviours.

As an owner/manager our reputation is only as good as your last guest review. With social media, where an owner/manager tells truth about guest behaviour, it is the owner/manager who suffers via negative reviews. In one guest stay, the guests trespassed on a neighbouring property but as an owner/manager who could not do anything.

We employ a cleaner and mowing service to assist us with the property.

Any further regulatory burden and or costs will lead us to re-consider whether we will remain in the short term let industry. This will markedly effect the regional economy of Port Stephens and many other rural townships.

MORE regulation is not the answer - changing the behaviour and or attitude of a people 'when they are in guest mode' is what needs to be addressed.

Yours faithfully,

F Wilson

5392

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?

I host Airbnb & have for over 3 years to connect to travellers all over the world & introduce them to the local community where they would spend locally & boost the Australian tourism.

My husband & I are nearing retirement, & it gives us a sense of purpose at our time of life, plus giving us a little bit of pocket money.

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

I wish to support the following options:

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

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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.

Karen Wilson



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M Wilson

5394

Dear NSW Government,

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

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

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michael wilson

5395

Neutral Bay  
29/10/17

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

5396

Dear NSW Government,

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

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

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John Wilson

5397

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Greg Winfield

5398

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 led 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.

5399

Mr. Choong S W & Mrs. Choong  
Poh Chin.

25 October 2017

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

Dear Director,

**Re: Response to Short-term Holiday Letting.**

We **OPPOSE** the use of short term lets in strata title buildings.

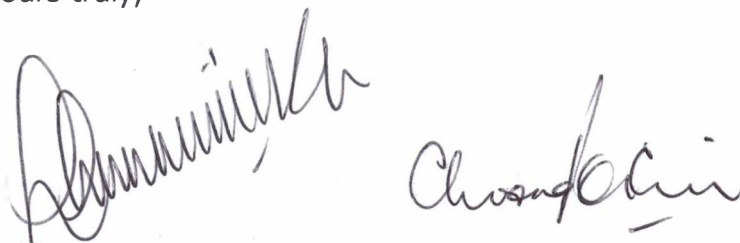
We purchased into this property on the assurance of the Development Consent being of residential use, which in Willoughby LGA is a minimum occupancy of 3 months. We have committed to leases of minimum of 6 to 24 months on the same basis.

We highly value the many excellent attributes that this building has to offer like; excellent security, good sense of community amongst the permanent residence importantly, a high standard of housekeeping that offers a sustainable cleanness and hygiene.

I simply cannot imagine having myself and my family to stay in this apartment that is treated as a 'HOTEL' and surrounded by transient strangers moving in and out of the building with absolutely no regards or sense of respect, responsibility and safety for use of the shared community amenities and facilities provided in this building. The immediate security and safety of the permanent residences are under threat should this propose short term holiday letting is allowed.

We demand the government maintain the conditions of the development Consent and putting security and safety of the residences as the utmost priority which I believe is your top responsibility as the Director of Director, Housing Policy, Department of Planning and Environment

Yours truly,



Owner: Choong Sin Wing & Mrs Choong Poh Chin.