

Kerry Needs

The Elan
2602/1 Kings Cross Road
Darlinghurst 2010

Short-term Rental Accommodation EIE

I consider that proposed changes to the planning system will have a negative impact on Strata communities.

1. The proposal that “‘short term rental accommodation’ is not a form of ‘tourist and other visitor accommodation’” lacks clarity and creates confusion. Given that tourists and visitors are the identified target market for STRA booking platforms and managers, the draft amendments do not clarify exactly what STRA actually is, or who the identified users are.
2. Proposed amendments allow STRA in all private dwellings, including Strata buildings, for 180 days if the lot is not the principle place of residence, and 180 days if the owner or tenant is present and the building is in Greater Sydney. Any Strata By-Law prohibiting STRA would not apply to resident owners. An unintended consequence will be the erosion of the Owners Corporation authority to make and enforce By-Laws for the Strata community.

A number of non-resident owners have more than one lot in a strata building. Under the amendments that allow a principle place of residence to be exempt from any By-law prohibiting STRA, tenants using their principle place of residence for STHL, with owners with non-resident owner permission, will have the same exemption.

The amendment creates a two-tiered system that will be open to abuse and challenge by non-resident owners in the future. Strata buildings have resident owners who own multiple lots in the same building. Without any proposed registration system an Owners Corporation has no power or authority to monitor whether owners are renting more than one lot under STRA, or whether a non-resident owner is claiming their lot as a principle place of residence.

3. The proposed amendments allow commercial activity in all residential dwellings. Short Term Rental Accommodation will negatively impact on strata communities in significant ways and, therefore, cannot be regarded as ‘exempt development’ in Strata buildings. Unrestricted numbers of STRA in a residential building,

with no provisions for accountability or strata control, does not have a 'minor impact' on residents in strata communities.

Problems with STRA in Strata building can also be foreseen with regard to resident safety and security; increased administration and building maintenance costs; unavoidable changes to residential character; and the ability of the Owners Corporation to control and maintain good governance.

The proposed amendments do not provide for a mechanism that allows effective and transparent monitoring by Local Council and Owners Corporations. There is no proposed register to identify premises used for short-term letting, or for registration with Council for consent purposes, or for registration with Strata building management.

Therefore, Strata Corporations will not be able to identify which lots are being used for STRA, or to require tenants to provide proof that they have lot owner permission for STRA; or when the permissible number of days has been reached in any lot used for STRA. The proposed amendments include no provision for lot owner or tenant accountability to the Strata community, or for any authority of Owners Corporations to monitor and prohibit excessive STRA rental.

The amendments do not include provision for Owners Corporations to have any control over the number of lots used for STRA; whether a lot owner or tenant is home or not; when a non-resident owner/tenant lot has reaches 180 days; or whether fire and safety regulations have been met.

In addition to there being no provision for compulsory registration for lot owners or renters, there is also no provision in the amendments for control on numbers and placement of STRA in a building, as there currently is in serviced apartments, bed and breakfast and hotel accommodation. Consequently, STRA can be dispersed throughout a building, and with no compulsory separate on-site management of STRA, security and safety presents a primary concern for residents in Strata buildings.

Another impact on Strata buildings is the increased cost to all residents from extra administration and day-to-day services by concierge and building management; increased wear and tear on common property and facilities; building insurance and increased time for Owners Corporation to deal with inevitable clash between STRA lot owners and tenants and other residents.

Increased cost and uncertainty about building and personal insurance is a real concern for Strata communities, as is the lack of a legal requirement for Fire and Safety inspection of property used for STRA either before or during rental.

Residents in Strata buildings live in close very proximity to their neighbours, and have voiced concerns about not knowing who their neighbours are at any given time, or who may be responsible for any breaches of Strata By-laws. As well, residents voice legitimate concerns about excess noise or poor behaviour, as well as the control of security keys and fobs that allow access to common areas.

As a consequence of the proposed amendments, the character and amenity of residential Strata communities will be fundamentally changed without the community having any authority or power to control changes that are foreseeable and avoidable.

Strata buildings are our homes. When we come through the front door of our building it is the same as coming through our front gate. We currently have By-laws in place to prohibit STRA for both resident and non-resident owners and tenants and do not want short-term letting in our home, particularly when we will lose the authority to determine the conditions under which we live.

We work hard to maintain good governance and promote a cohesive strata community. The proposed amendments destroy our right to decide how we want to live, peacefully in our own homes.

Lastly, the lack of public consultation is extremely disappointing. To minimise both intended and unintended effects of the amendments there must be an extension of the time for public consultation of the EIE to raise public awareness through information sessions and workshops; public exhibition of Draft State Environment Planning Policy (Exempt and Complying Codes) 2008; and consideration of the Draft Planning Policy in conjunction with the mandatory Draft Short term Rental Accommodation Code of Conduct.