

**Submission
No 181**

**ADEQUACY OF THE REGULATION OF SHORT-TERM
HOLIDAY LETTING IN NEW SOUTH WALES**

Organisation: [REDACTED] Owners Corporation
Name: Ms Maryann Knight
Position: Secretary
Date Received: 10/11/2015

9th November 2015,

**Legislative Assembly
Committee on Environment and Planning
NSW Government
Email: environmentplanning@parliament.nsw.gov.au**

Public Submission: Inquiry into the adequacy of the regulation of short-term holiday letting in NSW

Dear Madam or Sir

██████████ is a residential building located at ██████████ Millers Point. The property comprises of 204 apartments and is home to some 350 residents. For the last 20 years since its registration in 1995, ██████████ has been a model of successful and harmonious apartment community living in the CBD of Sydney.

An inquiry of this type must first and foremost consider the needs and protection of long term residents who have a right to enjoy their apartment homes in peace, comfort and security. As an Owners' Corporation, we have an obligation to provide such an environment for our residents and to maintain the amenity of the building while ensuring safety and the appropriate use of building facilities.

Importantly, we strongly advocate that any change in regulation or legislation must not interfere with the rights of strata plan owners to provision and determine the behaviours and use within the Scheme itself via its bylaws and internal policies.

██████████ was constructed as a residential building. Development consent was granted on the basis that it be for residential purposes, and stipulated that tenancies be no shorter than three months.

Consequently, and in line with the terms of the Residential Tenancies Act, ██████████'s bylaws provision that tenancies are for a period of no less than 3 months and that there is no short term or "holiday" letting. The bylaws of the Scheme have been adopted on the express wishes of the lot owners.

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We ask that you note that residential Strata schemes and the common areas that they encompass are first and foremost our homes. They are not provisioned for commercial purposes and holiday letting. As such, and via the correct legal process as set out in the Strata Schemes Management Act 1996, [REDACTED] has made its leasing provision.

The short term letting of apartments is problematic and disadvantages the apartment residential community for many reasons including:

- **A hotel-like ambience is created.** After each short stay, cleaning staff bring trolleys in lifts, prop open doorways, leave linen in hallways etc. The character of the building is changed from a residential community and home environment to a transient hotel.
- **Security may be compromised** by on-line booking processes that do not require character or physical assessment of occupants. Contracted cleaning staff may be given access to multiple levels.
- **Overcrowding is possible** when a short stay is booked by one occupant that invites several other guests to move in. This is not only a safety issue, but results in over use of building facilities.
- **Breach of rules and bylaws commonly occur** with short stay occupants through ignorance or lack of care. Excessive noise and unruly behaviour that can result in damage to common property is not uncommon with weekend “party” letting. This is difficult to manage by building staff as these occupants turn over quickly.
- **Extra cost is incurred** for the Owners’ Corporation to engage extra staff to maintain and monitor building facilities.
- **Building insurances may be void** due to “unregistered” occupants and premiums may vastly increase.

With the growing popularity of short term holiday letting today, it is essential that some form of regulation and control is needed to protect residential buildings from the problems that are now being encountered.

We believe it is vital that the owners of any strata plan should be able to set their own rules and bylaws regarding lettings, provided that they comply with state and federal law and are appropriately, legally and democratically decided by the owners themselves.

The powers of Owners’ Corporations via the Strata Schemes Management Act (1996) and its Regulations should be upheld to ensure that Owners’ Corporations are able to continue to make rules that adequately protect and benefit all residents and common property within their strata scheme.

I would be happy to make further submissions if that is considered helpful.

Yours sincerely,

[REDACTED]

Maryann Knight

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