

**Submission  
No 188**

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

**Organisation:** Woollahra Municipal Council  
**Name:** Mr Allan Coker  
**Position:** Director Planning and Development  
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Your Ref:

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The Hon. Glenn Brookes  
Chair Legislative Review Committee  
Legislative Assembly  
Parliament House  
Macquarie Street  
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Dear Mr Brookes

Woollahra  
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### Adequacy of the regulation of short-term holiday letting in New South Wales (Inquiry)

I wish to make a submission to the inquiry focusing on the use of private dwellings for short-term holiday letting such as those listed on Stayz and Airbnb. The submission has not been reported to Council given the brief period for public comment, and as such the views it contains may or may not represent the views of Woollahra Council.

As part of the growth of the share economy there has been a rise in the use of private dwellings for short-term holiday letting across the world. Earlier this year, Airbnb surpassed 40,000 listings in Australia<sup>1</sup> and a search of Airbnb on 10 November 2015 identified over 200 listings in the Woollahra Municipality.

Due to its emerging nature, the New South Wales (NSW) planning system does not currently define or adequately address this land use. I support the inquiry and welcome potential changes to the legislative framework to provide more certainty regarding the permissibility and regulation of short-term holiday letting.

We support:

- a definition of short-term holiday letting being included in the Standard Instrument – Principal Local Environmental Plan. This change should be reflected in the group term, *tourist and visitor accommodation*.
- permitting short-term holiday lettings as exempt development in any dwelling that has been legally constructed
- amending strata title legislation to give owners' corporations the power to determine if short-term holiday lettings are permissible in their strata complex under by-laws. If permitted, the strata corporation should be responsible for establishing and enforcing any by-laws that are associated with moderating the impact of the use. For example the use of common property and facilities to maintain amenity of residents. Owners'

<sup>1</sup> <http://www.smh.com.au/technology/web-culture/son-tells-his-anguish-over-the-death-of-his-father-in-airbnb-rental-20151110-gkuyba.html>





corporations should be allowed to trial short-term holiday letting, for example one year, to determine if the use is permanently suitable for their complex.

- consideration of how the *Protection of the Environment Operations Act 1997* will be applied to short-term holiday lettings to control the regulation of “*offensive noise*”, where “*occupiers*” are frequently changing. How can neighbours be assured that action can be initiated to prevent frequent noise disturbances by different “*occupiers*” from the one property? Can controls be imposed on the owner of the property who may not be in residence at the time of the disturbance?
- consideration of how the Building Code of Australia provisions are applied to short-term holiday letting, especially the implications of a change in building classifications from Class 1a – ‘single dwelling’ to either Class 1b or Class 3 buildings. For Class 1b or Class 3 buildings the fire safety standards may be more onerous and property owners would be required to submit annual fire safety statements pursuant to ‘Part 9 Fire safety and matters concerning the Building Code of Australia’ of the *Environmental Planning & Assessment Regulation 2000*.

In dealing with short-term holiday letting, Council has received 18 complaints since 2007. Most of these complaints related to the use of apartments in residential flat buildings. The issues raised by neighbours in relation to this type of use include:

- Advertising on holiday accommodation sites such as Airbnb, Stayz etc. (questioning the legality of this type of business in a residential zone)
- Frequent turnover of ‘guests’ and short periods of stay, resulting in disruption and noise
- Security concerns arising from different ‘guests’, cleaning staff and agents accessing the premises
- Noise disturbances from parties and socialising
- Waste bags left in common areas by departing ‘guests’ for other residents to dispose
- Unauthorised use of amenities such as swimming pool and laundry facilities
- Damage to common areas or common property, including the blocking of sewer pipes by nappies flushed by ‘guests’
- Consumption of alcohol in common areas.

In summary, the use of private dwellings for short-term holiday letting is likely to continue to increase and should not be unreasonably constrained. However, the amenity of adjoining and nearby residents should not be compromised and the safety of the lessee should be addressed in line with other forms of temporary accommodation.

Yours sincerely



Allan Coker  
Director – Planning and Development