

**Submission
No 186**

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

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Position: Partner
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Adequacy of regulation of short term holiday letting in NSW

Submission from Byron Bay Accom (BBA)

9.11.15

BBA has been booking both onsite managed (Hotels, motels, resorts and guesthouses) and off-site managed (Holiday houses and apartments) accommodation in Byron Bay for over 15 years. We are a specialist holiday accommodation booking service.

Grant Hawkins, the writer of this submission is a founding partner in BBA and was the chair of Tourism Byron which first started preparing plans for regulating Holiday Letting in 2005. One successful outcome of that activity was establishing the Holiday Letting Hotline which is still operated by the Holiday Letting Organisation in Byron Bay today.

We thank the committee members for their consideration and make the following comments.

The primary issues

- * Ensuring the local community has fair enjoyment of their neighbourhood.
- * Holiday letting is allowed to continue to be a very significant economic driver in regional tourism communities

These are both significant needs so a careful hand is required with any form of regulation.

Fair enjoyment mainly comes down to noise issues (which also occur with owner occupied and permanently rented dwellings).

We are concerned that an overly complex and onerous regulatory proposal is currently being considered by Byron Council.

What can help move forward from here

1. We suggest a step by step approach is better where there are a range of delicate issues as in this instance – creating a large regulatory framework now will almost inevitably create overregulation.

2. Legal certainty across NSW as to what is a holiday rental (especially where there is no manager on-site)
3. Legal certainty as to existing usage rights of current holiday let properties. This has significant implications for some of the DA approaches being suggested.
4. **Compulsory registration** of all holiday lets
5. Compulsory registration makes the industry transparent. It also makes all forms of control, funding and collection of statistics easier.
6. Owner occupiers who holiday rent for brief periods while on holiday still need to register – they are often inexperienced and do not foresee issues which may occur.
7. One exception would be short term lets where the owner lives there – e.g. most AirBnb bookings are of this type.
8. The decision makers need a good understanding of what is already achievable under current laws and the Holiday Letting Code of conduct. (Almost all problems can be solved via this track).
9. The NSW State Government to provide a low impact policy that guides LGAs towards it's current support of the Code of Conduct – not a fractured approach across the state.
10. Ensure there is sufficient revenue to administer registration (a council role?) and the Code of Conduct (an industry role?).
11. A licence fee might work better than a DA approach as it is could be less cumbersome to operate. This would require state legislation.
12. Consider a low key approach and a review in 3 to 5 years.

If I can be of assistance in expanding upon any point or providing statistics I would be happy to do so.

Yours Sincerely

Grant Hawkins

Partner

Byron Bay Accom