

**Submission
No 19**

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

Name: Mr David Moncur

Date Received: 16/10/2015



16th October 2015

Committee Secretary
NSW Legislative Assembly
Adequacy of the Regulation of Short Term Letting in NSW Inquiry

Dear Sir,

The current NSW Regulation controlling short term rentals in Strata Plan buildings is totally inadequate in protecting the amenity and rights of resident owners in buildings designed for long term residential purposes.

The Regulation needs strengthening for the following reasons:

1. We purchased a HOME, not an apartment in a hotel, motel, or boarding house. Our building was approved under the local Council's Environment Plan as a RESIDENTIAL DEVELOPMENT, which specifically DOES NOT INCLUDE "tourist and visitor accommodation".
2. If noise controls are ever proposed for short term tenants, they are always totally inadequate with no practical methods of ensuring compliance – we do not want to live in a complex with "Party Central" operating at any and all times
3. Parking is always an issue with large Strata Plans and short term rentals just stress facilities which were never designed to handle additional vehicles, which will eventuate under the "maximum accommodation" conditions encountered with holiday/short term rental conditions.
4. Personal security of basement garaging and lift towers is totally compromised by a continually changing and unknown population of casual "visitors".
5. Over use and damage to Common Property results as a consequence of visitor/tourist accommodation and the subsequent servicing of short term rental properties. The costs of rectification and additional maintenance (including foyers, lifts, pools, gymnasium, and garage doors) is borne by ALL owners – a totally unfair burden on permanent owner/residents.
6. Substantial devaluation of our most valuable asset – who wants to live next door or in close proximity to a hotel/motel or boarding house? We purchased into "RESIDENTIAL ACCOMMODATION". Any changes to use WITHIN THE BUILDING seriously affects our general living amenity.
7. The contention that Strata Plan buildings are well served by public transport is totally fallacious – a lot of Apartments currently being short term rented are not NOT close to the ferry wharves, nor train stations, nor bus routes. Residents need to use vehicles to get to services around this area, hence the critical issues about parking for "visitors/tourists".

The current Regulation does not offer sufficient protection for long term residents and is totally inconsistent with the spirit of RESIDENTIAL Estates and short term rentals greatly affect the living amenity of those of us who live here PERMANENTLY. If we chose to live in a hotel/motel/boarding house environment, we would live somewhere else where that use is permitted. We can't accept that where we have carefully chosen to make our home can be commercialised to an extent where living conditions can become impossible and the value of our greatest asset can be severely affected.

If the current Regulation is not updated to protect long term residents, then we could see all waterfront Strata Plan properties and others in equally attractive "tourist" areas of the State become persuaded hotels/motels/boarding houses WITH LEGAL CONSENT. This of course is a recipe for the slums of tomorrow.

There are, of course, a couple of solutions to the short term rental issue. Developers of new Strata Plan buildings (which seems to be booming!) should be required to provide specifically designed "mixed use" residential/hotel style accommodation in locations seen to be attractive to tourists and visitors. This can very successfully be done when completely separate facilities and amenities are provided for both types of residents. This may not be a popular option for developers but certainly meets the needs of all classes of residents over the life of the building. More

teeth into the Development Approval process needs to be provided by the State Government, and compliance closely monitored.

The other change to the Regulation, which would give some protection to owner residents and long term tenants, would be to completely prohibit “whole of apartment short term rentals”. This means that single room rentals in apartments (with the long term resident still present) would generally ensure that the behaviour of the short term renter complied with the Strata Plan By Laws and the long term resident can be held accountable for any breaches of the By Laws by their “visitor”. “Room letting” also goes a long way to controlling the number of “short term renters” in an Apartment at any one time.

Thankfully our local Council has refused permission for change of use for apartments to short term rentals, however this type of protection for owner residents and long term tenants needs to be extended by effective State legislation. There is a place for short term rentals and the modern methods of managing such lettings – the above alternatives will help preserve the amenity of those who choose to live in RESIDENTIAL Stata Plans, as opposed to hotels, motels, or boarding houses.

We expect to see from our elected representatives a responsible response to this insidious and disturbing phenomena we did not expect to confront when purchasing our homes.

Yours faithfully,
D.E and M.F Moncur