

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

Name: Name Suppressed
Date Received: 26/10/2015

Partially Confidential

SUBMISSIONS TO PARLIAMENARY INQUIRY INTO SHORT TERM HOLIDAY LETTING IN NEW SOUTH WALES

Our Home

We live at [REDACTED]. The land is zoned Residential 2A.

The property on the western side of our house, number [REDACTED] is also zoned Residential 2A. It is owned by someone who lives in Victoria and is used as a short term holiday let.

There are 2 properties on the eastern side of our house, number [REDACTED] and [REDACTED]. Each of these properties is zoned Residential 2A. Each of these properties are owned by absentee landlords who live in Brisbane and each are used as short term holiday lets.

We therefore have no neighbours as each of the surrounding properties are owned by people who live interstate and own the properties as investments and (in the case of [REDACTED] we have been told by the owners) as their superannuation fund. These owners have no other connection with Byron Bay and make no contribution to the community or have any connection to it.

Our Experiences

To date we have not had problems with [REDACTED] as it appears to be used by people looking to have a holiday in a great location that has a lot to offer by way of beautiful beaches and natural attractions.

In contrast, [REDACTED] and [REDACTED] has been a constant source of trouble and disruption to us. The same agent, [REDACTED], manages these properties. [REDACTED] does not manage [REDACTED]

In our opinion, the problems with these properties are caused by the proximity of all of our properties, which is exacerbated by the number of guests which the houses are advertised as accommodating. [REDACTED] is advertised as potentially accommodating 8 people. It is a small 3 bedroom house on around 520 square metres. [REDACTED] is advertised as accommodating 6 people. Therefore, there is the potential for us to have 14 people as "neighbours" at any one time.

Each of the properties has an outdoor entertainment area at the back. Our bedroom is situated on the side of the house at the back adjacent to these entertainment areas. [REDACTED] also has a swimming pool.

Accordingly, there are often groups of people outside eating, drinking and generally partying often late into the night and early morning. As they are on holiday, this behaviour is not restricted to weekends. It can be any night of the week.

Moreover, [REDACTED] is generally let to groups of people ie. not families, for 3 maybe 4 nights, say from Thursday to Sunday. Groups of people arrive with their cache of alcohol and often others arrive to join the gathering.

We have had many meetings and emails with [REDACTED] (particularly in relation to [REDACTED]). [REDACTED] response has been:

- A "no party" policy applies to each of the properties (though despite having asked the question several times [REDACTED] has not been able to tell us what constitutes a party for the purpose of this policy);
- [REDACTED] has a strict vetting process for their "guests" which will ensure that the guests abide by all the rules such as no noise, no parties etc.
- [REDACTED] terms and conditions impose strict guidelines with respect to guests' behaviour
- We are to contact [REDACTED] if there is any disturbance from the properties.

Despite all of this conduct which appears to us to be parties still happen regularly and on most occasions on which the property is let.

[REDACTED] is a holiday industry organisation which represents property owners and managers. [REDACTED] position is that owners have a right to let their properties whenever they want to, short term or long term. [REDACTED] has drafted a code of practice for its members as a means defining responsible management and accredits those who comply. [REDACTED] contract a private security firm to attend at a property and assess whether there is a disturbance being caused by the occupiers. It has been our experience that if the security officer drives up to the house and can hear nothing then he does not get out of the car and then submits a report that no disturbance was heard. Accordingly, no fine is issued as the security officer concludes that there has been no disturbance despite us having to make the calls at all hours of the night. In addition there have been problems with the security officer not actually being able to find the house at [REDACTED] and instead going to the house at [REDACTED] where no noise was coming from and was not the subject of a complaint.

[REDACTED] view is that we should direct any noise and disturbance issue to [REDACTED]. However we do not have confidence in [REDACTED] in being of assistance in managing any noise and disturbance issues. [REDACTED] is headed by [REDACTED] with whom we have also met.

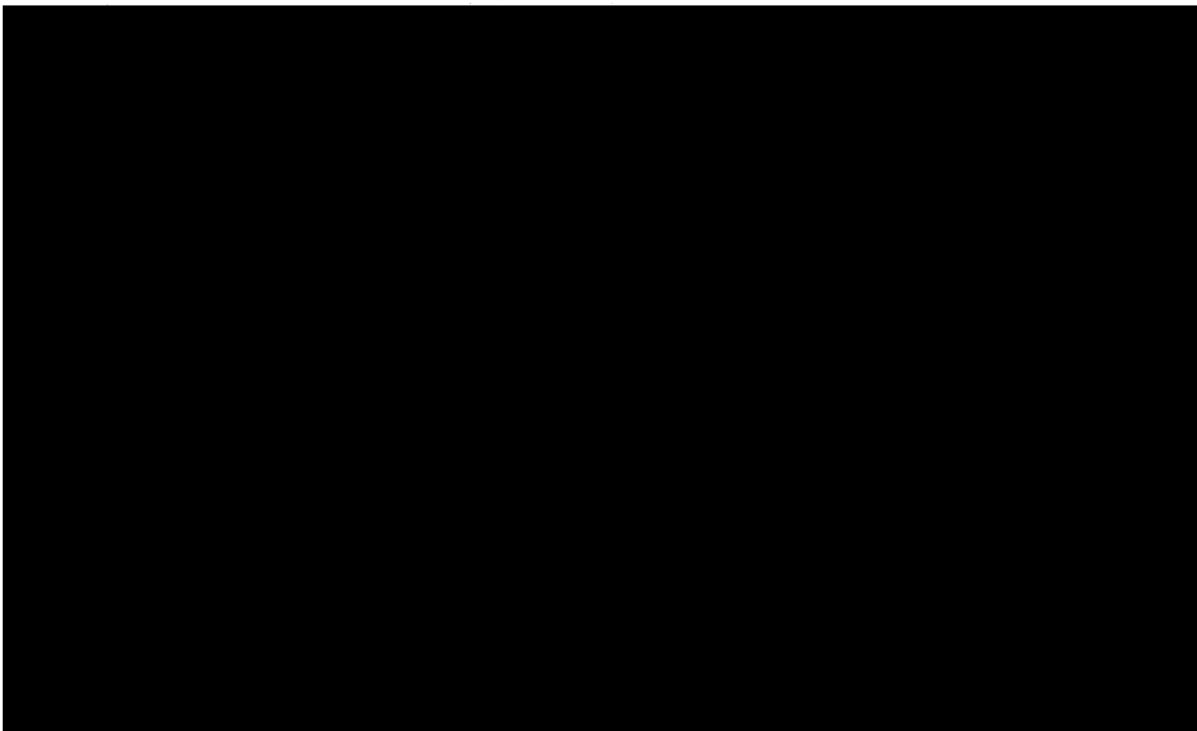
On one occasion recently a group of girls arrived at [REDACTED] looking for all intents and purposes as if they were going to a party. When we asked if they were having a party they said "It's OK. We've cleared it with the agent." [REDACTED] have not responded directly to our query as to whether such consent was given and, if it was, the alleged "no party" policy is meaningless.

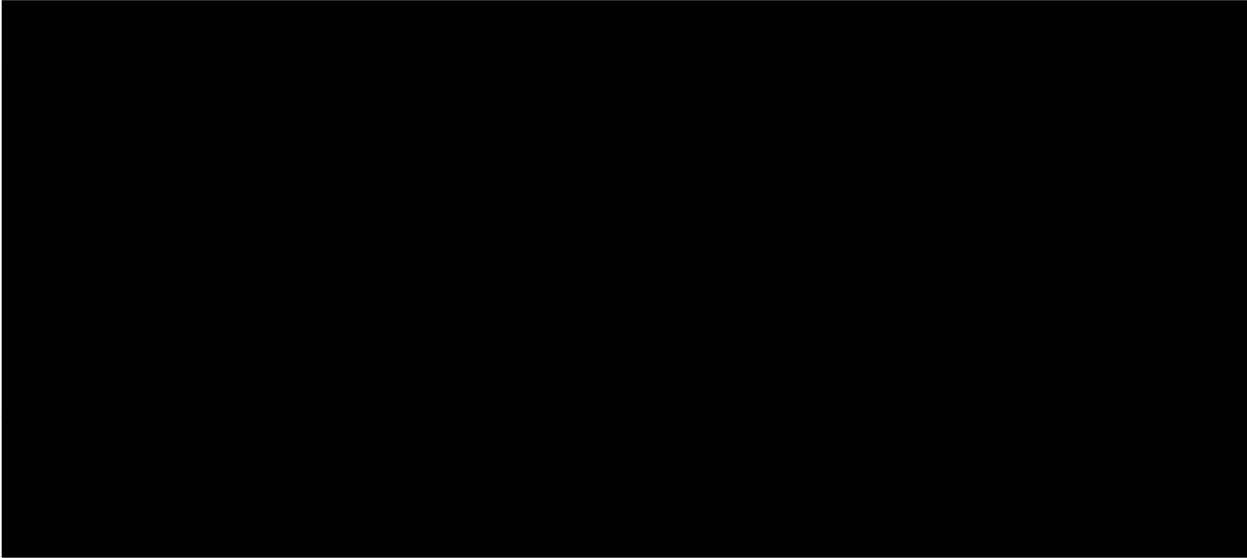
In addition to the numbers of people that come and go from [REDACTED] and the pretty much constant party house vibe of the house, this large number of guests generates large amounts of rubbish. Byron Bay Council has a 3 part waste programme, landfill, recycling and organic waste. Landfill is only collected once a fortnight. Visitors do not concern themselves with the intricacies of the waste programme so in most cases everything goes into the landfill bin. Obviously it does not all fit so is left around the bin. We have recently observed ibis and Indian Mynas in the front yard of number [REDACTED] presumably scavenging on the waste.

As you might imagine the whole situation is unacceptable and is causing a great degree of anxiety and stress. Whole weekends are taken up with having to send emails to various parties and nothing changes. Promises are made by [REDACTED] but in our opinion they are not promises capable of being made and kept as the agents are not staying in the various houses and therefore cannot control the behaviour of those who are.

A lot of the anxiety is caused by the uncertainty of what each week will bring. Every time that a new lot of cars pull up outside the house at [REDACTED] fills us with dread as to what the next group of people are going to be like and whether we will be subjected to more disturbance.

We have contacted Byron Shire Council ("Council") and met with one of Council's Compliance Officer. Whilst he appeared to be sympathetic to our plight he has informed us that Council is in the process of formulating a new LEP which is meant to deal with the holiday let situation and, in the meantime, will take no action in relation to the unauthorised use of premises under the Zoning save for fire and safety issues. Apparently, Council is not concerned that these properties in an area zoned residential are being used for essentially a commercial purpose.





Our Position in Relation to Short Term Holiday Rentals

As you can see from the communications set out above being surrounded by short term holiday lets in what should be a quiet residential street is causing us a lot of anxiety and worry and disturbance.

We are concerned that the current lack of regulation has led to Byron Bay being promoted, and acquiring a reputation, as a party town. It is no longer a family holiday destination. Moreover, if this continues there will be a further reduction of people who live in Byron Bay and a resulting loss of community.

Should you require any further information about these submissions or wish to discuss any of the matters raised our contact details are as follows.



Yours Faithfully

