

29<sup>th</sup> October 2018

Planning Policy Unit  
haveyoursay@justice.tas.gov.au

Dear Sir or Madam

**Draft Short Stay Accommodation Bill 2018**

Thank you for the opportunity to provide a submission on the Draft *Short Stay Accommodation Bill 2018* (the Bill).

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993*, our functions being:

- (a) to protect and represent the interests and rights of councils in Tasmania;
- (b) to promote an efficient and effective system of local government in Tasmania;
- (c) to provide services to member councils, councillors and employees of councils.

The views and opinions expressed in this submission are representative of the Local Government sector, having been developed in consultation with member councils. LGAT fully supports councils who have made individual submissions to the consultation process and in turn, supports the content and opinions expressed within those submissions.

LGAT welcomes the proposed introduction of measures to encourage reporting by short stay accommodation platforms on the existence of planning permits, as this aligns with one of the key recommendations of our submission to the Legislative Council Select Committee on Short Stay Accommodation in Tasmania.

Advice from the sector indicates that ensuring compliance with the current regulatory regime is challenging, that it is likely that there is significant non-compliance with the current regulatory regime and that some considerable confusion remains for owners as to what they must do if they want to use their property for short stay accommodation. However, it is not within the current resources of local councils to undertake the necessary work to determine what new short stay accommodation places have been established in their local area and whether they need a planning permit. The need for communications, resourcing and community understanding is critical.

While the Bill provides an incentive for short stay platforms and providers to accurately report on compliance information, it must be accompanied by specific resources within the State Government to analyse the data provided for two important purposes:

1. The extent to which short stay visitor accommodation is impacting on housing availability and affordability at the local level; and
2. To determine data accuracy and specifically provide confirmation that a property is the owners' primary residence in instances where this has been claimed. This will then allow Local Government to reconcile the data against their planning permit information.

The Bill must also be accompanied by a comprehensive education campaign, delivered by the State Government, to ensure that all short stay accommodation providers are made aware of their obligations, with adequate time for them to ensure compliance.

The councils that have provided feedback were supportive of the Bill and what it is seeking to achieve. Attachment A provides the specific comments received from individual councils.

There is little doubt that peer-to-peer short stay visitor accommodation models will continue to exist in Tasmania. In all likelihood, the interest in the model from both a host and user perspective will continue to increase, as it has done in all other countries. There is significant potential for communities to gain positive benefits from the changing accommodation landscape. However, clear and sound regulation does not currently exist in Tasmania for the type of accommodation that sites like Airbnb and Stayz/HomeAway offer. To ensure that these platforms play a valuable role in the Tasmanian visitor economy, now and into the future, a clear and defensible approach to managing the opportunities and challenges they present is required. There is considerable scope for further research. The area is complex, and solutions need to be well thought through. Issues such as planning, consumer welfare, housing availability and neighbourhood amenity all need to be considered on an on-going basis after analysis of the best available data.

This Bill provides an important first step, as it should ensure policy makers now have a robust data source from which to consider this issue. However, it is critical this data is monitored at a statewide level and where necessary policy responses are adapted over time.

If you have any questions or would like further information, please do not hesitate to contact Dion Lester at [dion.lester@lgat.tas.gov.au](mailto:dion.lester@lgat.tas.gov.au) or via phone on (03) 62 335986.

Yours sincerely



Dr Katrena Stephenson  
**CHIEF EXECUTIVE OFFICER**

## Attachment A – Specific Comments

Bill Reference	Comments
3 (1) – Interpretation	<i>Short stay</i> should be defined
4 (b) – Relevant information in relation to short stay premises	<p>The relevant information should include number of beds, in addition to number of bedrooms. A room can have multiple beds and the number of beds is more relevant data in relation to potential amenity impacts on neighbours.</p> <p>The relevant information should also include the number of nights booked, as this information is essential for understanding stay visitor accommodation impact on housing availability.</p>
5 – Booking platform providers to ensure display of certain information	It is understood that existing compliance and enforcement provisions, such as the <i>Land Use Planning and Approvals Act</i> , will be utilised. However, the Bill does not indicate which agency will be responsible for compliance and enforcement of this Bill.
5 (2) & 6 (2) – Provision of information by booking platforms and short stay premises	For the Bill to be successful in increasing compliance there needs to be adequate penalties. The Bill should provide for a minimum penalty as well as a maximum penalty. In addition, consideration should be given to a greater penalty in cases of multiple breaches – for example the NSW <i>Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018</i> includes a ban on listing (time limited) with a ‘three strikes’ approach.
6(1) – Short stay premises provider to provide certain information	Clarification is required to confirm who the penalty units would be assigned to.

7 – Booking platform providers to provide relevant information to Director of Building Control	Why is the reporting agent the Director of Building Control, for a Bill with a primary function of planning compliance?
8(3)(a) – Use by Crown of relevant information	To function efficiently, section 8(3) must be expanded to include purposes which allow action by the Director of Building Control and Permit Authorities under the <i>Building Act 2016</i> .
8(3)(a) – Use by Crown of relevant information	<p>Limiting enforcement actions to Planning Authorities through infringements and the Magistrates Court (with the associated costs and time delays/implications) is not appropriate to the intent of the Bill or the effective options available.</p> <p>It is suggested that any review and enforcement mechanism be provided via the Resource Management and Planning Appeals Tribunal. Relying on self-reporting has not worked in relation to the existing self-assessment forms, so it is hard to see how a requirement for more self-reporting will change this.</p>