



*Dedicated to a better Brisbane*

# Short-Stay Accommodation Taskforce Report

June 2024



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## Message from the Chair



*"The recommendations of this Taskforce strike the balance between the rights of property owners and their neighbours."*

Brisbane has long been a popular tourist destination for both domestic and international travellers. Its world-class sporting events, conference facilities, cruise ship terminal, parklands, cafes, laneways and extensive river walks make Brisbane a vibrant and welcoming metropolitan city. Throughout recent history, this attraction to the region has provided strong economic benefits to the local economy through tourism activity and spending, while also supporting a significant share of jobs in the region.

Short-stay accommodation provides a desired alternative for many tourists to other traditional forms of accommodation. Our objective, however, is to ensure that where this form of accommodation is offered, the residential amenity of long-term neighbouring residents is not negatively affected.

The recommendations in this report are shaped by public sentiments towards short-stay accommodation in Brisbane and a significant body of research and data analysis. Perspectives from all interest groups have been considered to ensure stability across housing availability, economic and tourism benefits and the concerns of neighbours.

As the Chair of the Short-Stay Accommodation Taskforce, I have been fortunate to have been a part of the year-long journey from June 2023. I wish to acknowledge and thank representatives of local and state governments and all stakeholders who gave generously of their time and experience. I also acknowledge and thank those members of the public who took the time to participate in our survey, as well as the industry associations who promoted the survey to their members. The feedback gave the Taskforce invaluable insights into the issues experienced regarding short-stay accommodation and helped shape some of the potential solutions. I also express my gratitude to the members of the Taskforce for their input and in particular the Taskforce project team of Andrea Kenafake, Charlotte Alchin and Phoebe Cronan for their rigorous interrogation of this important subject.

As Brisbane prepares to be an Olympic and Paralympic city, Brisbane City Council remains committed to supporting businesses, local jobs and investing in our city's future, thus short-stay accommodation is a vital component of our future. The recommendations of this Taskforce strike the balance between the rights of property owners and their neighbours who are impacted by short-stay accommodation.

With our strong commitment to better regulating short-stay accommodation, this report outlines the steps necessary to ensure Brisbane is and always will be a great place to live, work and relax.

A handwritten signature in blue ink that reads "Fiona Cunningham".

Councillor Fiona Cunningham  
**Chair, Short-Stay Accommodation Taskforce**  
**Civic Cabinet Chair for Finance and City Governance**

## Executive summary

On Wednesday 14 June 2023, the Lord Mayor announced the new Short-Stay Accommodation Taskforce (the Taskforce). The Taskforce has examined the city's short-stay rental market to identify a best practice approach for Brisbane and has consequently put forward recommendations for Brisbane City Council (Council) to consider.

Short-stay accommodation (SSA) is a significant activity in Brisbane, with active listings estimated to be between 3,497<sup>1</sup> and 4,430.<sup>2</sup> While short-stay rentals provide more diverse options and contribute to the tourism industry, they also present many challenges. Alongside the benefits, SSA has been associated with undesirable amenity impacts and alleged negative economic impacts on Brisbane's housing availability and affordability.

Following extensive research and consultation with various stakeholders, the Taskforce has proposed several recommendations that will improve Council's overall management of SSA within the Brisbane local government area (LGA). While some recommendations can be implemented at a local government level, others require Council to advocate for change at a state level.

For the purpose of reading this report, the term 'short-stay accommodation' is the primary term used and is specifically utilised as a means of differentiation from any existing legislation. Where another term is employed, it is solely for the purpose of discussing the legislation that uses that particular terminology, such as 'short-term accommodation' (STA) (a planning term) or 'transitory accommodation' (a rating term), or it is a term used by a particular stakeholder or benchmarking partner, such as 'short-term rental accommodation' (STRA), which is used in Western Australia.

The Taskforce undertook a range of activities to understand the different perspectives and experiences in relation to SSA in Brisbane including a public survey, a review of the existing legislation, a review of academic research, stakeholder interviews, data analysis, benchmarking with national and international jurisdictions and internal workshops.

### *Data*

One of the early learnings of the Taskforce was that there is limited access to accurate data regarding the SSA listings in Brisbane. Online booking platforms will not release their data directly to local governments, citing privacy reasons. The Taskforce relied on scraped data from Inside Airbnb<sup>3</sup> to approximate the number of listings in Brisbane. For the purposes of the Taskforce's economic analysis, the number of active listings were 3,497.<sup>4</sup> It is also noted that there is no common definition of 'active listings', meaning that listing numbers can vary greatly depending on the definition used.

Local government requires access to accurate data of SSA listing information, including real property addresses to monitor and manage the SSA market within their jurisdiction and to inform future policy. It is recommended that Council advocate to the Queensland Government to establish a state-wide data sharing agreement with the online booking providers which collects real property address information, and that this information is shared with local governments for their own areas. Additionally, a common definition for 'active listings' should be pursued.

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<sup>1</sup> These listings were calculated in February 2024, filtered to include listings on the Airbnb website from July 2023 and used for the purpose of this SSA market analysis.

<sup>2</sup> Inside Airbnb, *Brisbane*, 2024, <http://insideairbnb.com/brisbane/>

<sup>3</sup> Ibid.

<sup>4</sup> 'Active listings' is defined as listings booked or able to be booked within 90 days from 7 July 2023 (the date the data was scraped). These listings were calculated in February 2024 and filtered to include listings on the Airbnb website from July 2023 and used for the purpose of this SSA market analysis.

## SSA Uses and Definitions

The Taskforce identified 7 common uses for SSA to help frame the analysis and generation of potential solutions:

- non-hosted house
- non-hosted apartment
- hosted room within house
- hosted granny flat within premises
- hosted room within apartment
- unhosted house, long-term occupant temporarily absent
- unhosted apartment, long-term occupant temporarily absent.

The analysis included how each of these uses are currently defined within the *Brisbane City Plan 2014* (City Plan) and Council's *Resolution of Rates and Charges 2023-24*.

## SSA Legal Framework

SSA operates within a legal framework that was established before SSA became widespread and its impact within existing communities understood. The Taskforce undertook a review of the relevant federal, state and Council legislation. There are some opportunities for both Council and the Queensland Government to amend existing legislation to provide further clarity regarding the requirements for SSA, or to improve compliance outcomes. It is noted that the Australian Building Codes Board (ABCB) has provided clarification regarding the use of SSA within Class 2 buildings.<sup>5</sup> Additionally, there is an opportunity for revisions to the *Body Corporate and Community Management Act 1997* (the BCCM Act) to give more power to bodies corporate to regulate SSA via by-laws.

The *City of Brisbane Act 2010* (CoBA) provides Council with 'the power to do anything that is necessary or convenient for the good rule and local government of Brisbane.'<sup>6</sup> This general power includes the power to, relevant to this report, make and enforce local laws, enforce other local government-related laws and levy rates and charges on all rateable land in Brisbane.

## Public and stakeholder engagement

The SSA public survey opened from Monday 14 August 2023 and closed on Saturday 30 September 2023. Its aim was to gauge public sentiment to understand the community impact of SSA in Brisbane. The survey collected 599 responses from various stakeholder groups such as industry bodies, platform providers, bodies corporate, tourism and economic development associations, SSA operators and members of the community.

The perspectives from the survey and stakeholder interviews were diverse, with many themes identified in the analysis.

The most common suburbs where SSA is undertaken and impacting neighbours are Brisbane City, South Brisbane, New Farm, Teneriffe, West End, Bowen Hills and Fortitude Valley. 36% of SSA owners operate an apartment, followed by 22% who offer a dwelling house. 60% offer their property on a full-time basis. Impacted neighbours identified that it was an apartment they were impacted by in 64% of the responses, followed by 21% by a dwelling house.

33% of SSA operators identified they have previously pursued long-term rentals (LTRs). Reasons given for changing to SSA included ease of maintenance, less wear and tear, more profitability and access to their property for personal use. Respondents outlined the negatives that accompany LTRs

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<sup>5</sup> Australian Building Codes Board, *Part A6 Building Classification*, National Construction Code, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-two/a-governing-requirements/part-a6-building-classification>

<sup>6</sup> *City of Brisbane Act 2010* s11(1).



including increased cost of living, lack of support from governments, issues with tenants and less control overall.

The benefits of SSA were most commonly identified as 'affordability', 'diverse and flexible alternatives', 'increased financial opportunities' for hosts, 'additional amenities' and benefits to the 'local economy'. The challenges of SSA were most commonly identified as 'noise and disruptions', 'impact on the long-term housing market', 'safety and security' and 'parties'.

Respondents gave insight into how SSA can best operate in Brisbane. From a regulatory point of view, respondents advocate for 'more regulation', 'fair regulation' and the introduction of a 'licence/permit'. Contradictory to this, the most predominant theme was the desire for 'no new regulation', meaning that the current legislation and regulatory framework is sufficient and that further regulation is not warranted.<sup>7</sup> This data is quite diverse, which supports the observation that all interest groups have differing perspectives.

In addition to the public survey, the Taskforce interviewed 36 stakeholders to canvas their views on the issues and possible solutions pertaining to SSA in Brisbane. The stakeholders included representatives from:

- Queensland Government departments
- online booking providers
- industry associations – property and tourism
- industry associations – SSA property owners
- industry associations – non-SSA property owners
- local government associations.

These interviews largely reinforced the issues and ideas raised within the public survey. Other themes raised included the selling of management rights, rights of bodies corporate and building classifications. Notably, industry associations representing SSA operators confirm that there are operators who do create problems for their neighbours through lack of professional management of their SSA properties. They consider that the impacts within apartment buildings can be well managed through rigorous guest vetting, noise monitoring, establishing and enforcing quiet hours and other measures such as on-call security. They are also in support of a 24/7 complaint hotline, a state-wide registration system, additional safety standards and an enforceable (with penalties and fines) code of conduct.

A strong theme, therefore, from both supporters and opponents of SSA who the Taskforce interviewed, is that further regulation is required to ensure the hosting of SSA and managing the impacts of guest behaviour is held to high professional standards.

### *Status of SSA in Brisbane*

The Taskforce engaged Council's Economic Development team to undertake analysis of scraped Airbnb data (via Inside Airbnb), population, housing, tourism and hotel data to provide an overview of the status of SSA in Brisbane. Additional analysis was conducted of Council's rates data and customer and complaint data.

Based on the specific data cleansing methodology applied for the purposes of this economic analysis, it was found that there were approximately 3,497 entries that were identified to be unique, active Airbnb listings booked or available to be booked for at least one day within the next 90 days contained within the Brisbane LGA.<sup>8</sup> 77.2% of those listings were for 'entire homes/apartments',

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<sup>7</sup> This data is depicted in **Graph 15** section 7.1.2.

<sup>8</sup> These listing numbers were calculated in February 2024 and filtered to include listings on the Airbnb website from July 2023 and used for the purpose of this SSA market analysis.

whilst 22.2% were 'private rooms'. The remaining 0.6% of active Airbnb listings were then comprised of both 'shared rooms' and 'hotel rooms'.

Confirming the survey data, this analysis shows there is a higher volume of listings located in the inner-city Statistical Area – Level 2 (SA2) such as Brisbane City, South Brisbane and Fortitude Valley (see section 8.1 for a map indicating SA2 boundaries). It is also noted that there is a clear concentration of active 'private room' listings in the inner-city region. In particular, SA2s such as Brisbane City, Spring Hill, Kangaroo Point and West End all possess the highest volume of these listing types across the Brisbane LGA. Of note is the increased volume of these listing types in the southern region of the Brisbane LGA, around the Sunnybank SA2.

The Taskforce utilised research conducted by the Australian Housing and Urban Research Institute (AHURI)<sup>9</sup> to determine the 3 main reasons that drove SSA operator's decision to choose SSA over LTRs, those being:

- the financial returns were better than LTRs
- Airbnb provided more flexibility in how they used the property
- they felt SSA caused less wear and tear on the property than long term tenants did.

This feedback is consistent with the Taskforce's own online survey results and interviews conducted with stakeholders.

A survey conducted by the Australia and New Zealand Short Term Rental Association (ASTRA)<sup>10</sup> concluded that while holiday is the predominant reason for using SSA at 61%, there are a variety of other non-holiday uses for many lifestyle needs that make up the remaining 39% such as visiting family and friends, business, insurance, regional workers, relocation and medical visits.

Council's customer enquiry data from July 2018 to August 2023 revealed that the most common enquiries related to seeking information about SSA (from potential operators) and questioning the legality of an existing activity (about someone else). Noise, parking, safety and damage to private and public property were the next most common reasons for contacting Council, once again showing consistency with the public survey and stakeholder interviews.

### *Brisbane's population*

With the exception of the period between 2020–2021 during coronavirus (COVID-19), Brisbane's population has experienced steady growth since 2001. Other than Pallara - Willawong and Rochedale - Burbank SA2s (which have seen increased residential development), the highest population growth areas in the city have been in South Brisbane, Newstead - Bowen Hills, Brisbane City and Fortitude Valley SA2s.

### *Brisbane's housing, tourism and hotel markets*

An examination was conducted of Brisbane's housing, tourism and hotel markets.

For the Brisbane region as a whole, SSA represents less than 1% of the housing stock available. This finding was also supported by the University of Queensland research in 2023,<sup>11</sup> which concluded that SSA in Brisbane represents 0.4% of available dwellings. When monitoring the change in dwelling ownership over time, since 2016 there has been a notable decline in the ownership of secondary (rented) dwellings with a corresponding uptake in owner-occupied dwellings, having the net effect of removing properties from the rental market. This position was

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<sup>9</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 37–57.

<sup>10</sup> ASTRA, 'ASTRA Membership Survey Results', 2023, pp. 1–11.

<sup>11</sup> Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5–114.

accelerated between 2020–2021 most likely because of the domestic migration to Brisbane which occurred in response to COVID-19. Further analysis identifies that the majority of dwellings affected by this change were apartments.

Rental vacancy rates have been declining in Brisbane since December 2016 from over 4% at that time to a low of 0.6% in June 2022. As of June 2023, rental vacancy rates have risen slightly to 1%. A low residential rental vacancy rate typically means there is a lack of supply to meet the demand and generally this can place upward pressure on prices for those looking to buy or rent properties. With SSA being less than 1% of the available residential market in Brisbane, with most of the demand being outside of the inner-city suburbs (where SSA is least common), this points to a supply issue, rather than a causal relationship between SSA and residential vacancies.

Examination of Brisbane's tourism market has identified that there were approximately 7.4 million domestic overnight visitors to the Brisbane Tourism Region across the 12 months up to March 2023, representing approximately 90% of the pre-COVID-19 peak. International visitation has been slower to recover post-COVID-19 with approximately 0.7 million international visitors to Brisbane across the 12 months up to March 2023, representing 46% of the pre-COVID-19 levels.

As the country began to emerge from COVID-19 in 2022, hotel occupancy rates in the Brisbane LGA slowly recovered, with the monthly hotel occupancy rate in the Brisbane region now consistently reported at around 73.5%. With many forecasting that the region will experience further inflows of domestic and international visitation, this will likely bring with it increased demand for hotel accommodation in the region. Until the supply of hotel rooms can increase, SSA provides a necessary accommodation alternative for visitors, particularly for key events (such as sporting, business and entertainment).

### *Benchmarking results*

The Taskforce met with 6 state departments outside of Queensland, 6 capital cities, 8 national LGAs and 2 international cities. In addition, desktop benchmarking was conducted with 12 additional international cities. One key finding of the benchmarking is that every jurisdiction is facing its own unique issues when dealing with SSA. Some jurisdictions are seeking to attract more tourists and SSA is important infrastructure for this purpose, particularly when hotel rooms are not keeping up with the demand. For others, particularly in high-tourist international cities, SSA is putting pressure on housing for local residents and many of these jurisdictions have sought to restrict SSA through bans or limits to the days/nights in a set time period that SSA can operate (night caps).

Common to Australian capital cities is the impact on amenity that SSA is having, particularly when located within apartment buildings. Several jurisdictions within Australia have attempted to address this through means such as amending strata and tenancy laws and restricting SSA within existing residential apartment buildings. These changes have been made on a state-wide basis but can only be implemented in Queensland through state legislation.

Common to most cities benchmarked is the lack of data that allows cities to understand the size of the SSA market and where it is operating. Many Australian and international cities, therefore, require SSA operators to register their property with the local or state government and obtain a licence to operate. Some have also introduced a code of conduct for operators and guests, inclusive of penalties and sanctions for non-compliance. Compliance with registration and the codes of conduct have remained a challenge for many Australian cities.

### *A best practice approach for Brisbane*

In determining a best practice approach for SSA in Brisbane, a balance is required between the benefits that SSA can bring the Brisbane economy and the impact it can have on residential amenity. The Taskforce identified that in striking this balance, any solution should:



- allow SSA to operate as a viable option for tourists, residents and visitors who require temporary accommodation
- support the local economy that SSA relies upon and facilitates
- ensure that neighbours can enjoy the amenity, safety and liveability of their geographic location
- ensure that SSA maintains a sustainable supply relative to other markets and is suitably located within Brisbane
- drive responsible and accountable hosting such that property owners and managers proactively manage the impacts of SSA within their property
- provide accurate data and information about SSA such that it can be relied upon for monitoring, compliance and future policy development
- ensure that compliance and enforcement can be carried out effectively and efficiently
- provide flexibility in the approach such that Council can respond to future changes, challenges and circumstances
- advocate for state-wide regulatory frameworks which allow for local government response and adaptation to local needs
- be at no additional cost to rate payers and Council's management should be funded through associated fees and charges.

## Recommendations

Given the landscape that short-stay accommodation operates within Queensland, some reform may be possible at the local government level, but others require state government intervention. Taking into account the research, survey results, interviews, data analysis and benchmarking conducted by the Taskforce and considering the range of possible solutions, the Taskforce makes the following recommendations to create a best practice approach for Brisbane.

1. Council to develop a short-stay accommodation local law, requiring operators of hosted and non-hosted short-stay accommodation to obtain a permit to operate. The local law should seek to do the following.
  - Increase accountability of short-stay accommodation operators, through:
    - a) requiring all short-stay accommodation operators to obtain a permit under the local law
    - b) requiring all applicants to nominate a property manager
    - c) allowing for the revocation of permits for poor operators.
  - Address the amenity impacts of short-stay accommodation, through:
    - a) holding property managers accountable for responding to all complaints in a nominated timeframe
    - b) setting a code of conduct for guests (in the absence of a state-wide code of conduct), to be enforced by the property manager.
  - Apply appropriate penalties and enforcement, through prescribing offences relating to:
    - a) operating or advertising without a permit
    - b) providing false information
    - c) non-compliance with conditions.
  - Create a reliable data source, through:
    - a) requiring all short-stay accommodation operators to obtain a local law permit and prescribing a permit type for whole properties (non-home hosted) and for part of a property (home hosted).
2. Council to review and monitor existing planning requirements and settings in the *Brisbane City Plan 2014*, the *Planning Act 2016* and the *Planning Regulation 2017* to determine whether definition and assessment benchmark changes are required.
3. Council to continue to monitor the ratio of short-stay accommodation properties to all dwellings in the preparation of any future policies relating to short-stay accommodation.

4. Council to advocate to the Queensland Government for:
  - a) a state-wide register of short-stay accommodation properties that is shared with local governments (the register should comprise data that is validated and of a quality that is fit for regulatory purposes).
  - b) a state-wide code of conduct to establish behavioural obligations across the short-stay accommodation industry
  - c) a state-wide data sharing agreement with platform providers inclusive of a common definition for 'active listings' and data validation
  - d) a model local law which may be utilised by other Queensland local governments
  - e) an amendment to the definition of 'short-term accommodation' in the *Planning Regulation 2017* to include the word 'offer'
  - f) the power to further regulate 'short-term accommodation' in specified locations (similar to 'party house' provisions in the *Planning Act 2016*)
  - g) an amendment to the *Body Corporate and Community Management Act 1997* to allow bodies corporate to pass a by-law prohibiting or restricting short-stay accommodation for non-owner occupiers
  - h) a review of the *Body Corporate and Community Management Act 1997* in relation to Regulation Modules to improve consumer confidence.
5. Continue to work with the Queensland Government to increase housing and hotel supply within the Brisbane local government area and surrounding locations.
6. Council to develop a tool to help customers map their short-stay accommodation activity across all regulatory requirements within Council.
7. Council to continue to assist the Local Government Association of Queensland with their advocacy to the Queensland Government.

# 1. Introduction

SSA is not a new concept and has generally been associated with more traditional forms of visitor accommodation – hotels, motels and serviced apartments. In recent times, other forms of SSA such as temporary private rentals (holiday letting, holiday homes) and farm stays etc. have become increasingly popular as an alternative option from more traditional accommodation, offering visitors a different experience. The increasing acceptance of the sharing economy, evolution of technology and changing consumer behaviours has seen the emergence of platform operators such as Stayz and Airbnb as an intermediary between consumers (e.g. visitors/travellers) and traders (e.g. private SSA providers).

While the onset of COVID-19 and subsequent travel restrictions saw Brisbane's population growth slow, the region has since then continued to maintain strong socio-economic and demographic fundamentals which are expected to fuel population growth and visitation from domestic and international tourists.

This review and report from the Taskforce takes a local government perspective on the regulation of SSA. Local governments are frequently in the position of balancing market forces and rights of property owners, while also ensuring that the rights of others are not impacted. The Taskforce has sought to understand the ecosystem of SSA within Brisbane and in doing so, has arrived at recommendations that are based on fact and data analysis, and that strive to strike the balance between those who choose to leverage their property assets for this purpose and those who may be impacted by this.

## 2. Terms of reference and Taskforce objectives

The role of the Taskforce was to identify organisational initiatives to improve Council's response and proactive management of SSA while preserving the economic viability, amenity, safety and liveability of the city.

The functions and responsibilities of the Taskforce were to:

1. Review the options afforded by state legislation which form the basis of Council's current ability to regulate SSA.
2. Conduct benchmarking of other jurisdictions' approaches to SSA regulation and review the existing and potential role of governments, property owners and bodies corporate in regulating or managing SSA.
3. Engage with a range of stakeholders including residents, property owners, bodies corporate, SSA providers and other peak bodies, including a public submission process.
4. Identify the desired economic and tourism, environmental health, safety and amenity outcomes SSA could deliver in Brisbane.
5. Identify and recommend best practice approaches to managing SSA in Brisbane.

The Taskforce membership roles were as follows.

- Civic Cabinet Chair for Finance and City Governance – Taskforce Chair.
- Civic Cabinet Chair for City Standards – Taskforce Deputy Chair.
- Civic Cabinet Chair for City Planning and Suburban Renewal – Taskforce Deputy Chair.
- Divisional Manager, Organisational Services – Taskforce Member.
- Chief Legal Counsel – Taskforce Member.
- General Manager, Compliance and Regulatory Services – Taskforce Member.
- General Manager, Development Services – Taskforce Member.
- General Manager, City Planning and Economic Development – Taskforce Member.
- General Manager, Support Services – Taskforce Member.
- Principal Advisor Short-Stay Accommodation Taskforce, Organisational Services – Taskforce Member.

The Taskforce was supported by a small project team. In addition, the Taskforce also leveraged Council's existing organisational structure to provide subject matter expertise to its activities. The following division/branches were key contributors to the Taskforce.

- Organisational Services.
- City Planning.
- Development Services.
- Economic Development.
- Corporate Finance.
- Rates Operations.
- Compliance and Regulatory Services.
- City Legal.
- Host City 2032.

The Taskforce met 10 times during the course of its activities, providing direction and guidance to the supporting project team. The Taskforce's obligation was to deliver a report containing recommendations by 30 June 2024.

### 3. Methodology and approach

To develop a best practice approach for Brisbane and in acknowledging the complexity of SSA, the Taskforce undertook a range of activities to understand the different perspectives and experiences in relation to SSA in Brisbane, as follows.

1. **Academic research into SSA in Australia**, including a review of published articles and research papers. Within Australia, the issues and impacts of SSA were starting to escalate in the years preceding 2018, prompting a range of research articles on the issue. Valuable references included AHURI's paper of 2018,<sup>12</sup> the University of Sydney and Urban Housing Lab's research on behalf of the Australian Coastal Councils Association Inc in 2018,<sup>13</sup> the issues paper released by Noosa Shire Council in 2019,<sup>14</sup> the papers and final report released by the New South Wales Independent Planning Commission's (IPC) report into Byron Shire in April 2023<sup>15</sup> and the University of Queensland's study released in June 2023.<sup>16</sup>
2. **Desktop benchmarking with Australian and international cities.** Desktop research was initially conducted with all Australian capital cities and those regional areas who were anticipated to have experience with SSA. Wherever possible, the local governments' own websites were reviewed. Media articles also gave insights to activities within each jurisdiction. All desktop research was used to inform questions to be asked in the formal benchmarking interviews.

Desktop benchmarking with a selection of international cities was also conducted. These cities were selected based on their similarity to Brisbane, experience with SSA, experiences as an Olympic city or were referenced in the earlier mentioned academic research. Where possible, the city's own websites were sourced, however media and other third-party sites (often giving information for tourists or legal firms) were used.

3. **A public survey** was conducted between 14 August to 30 September 2023. A total of 599 responses were received during that period. A small number of responses were received after this period. These additional survey results were analysed, but not included in the total count. Section 7.1 provides an in-depth discussion about the nature of the survey tool and the results. Where specific survey respondents requested contact from the Taskforce, a member of the project team made contact and obtained further information.
4. **Interviews with industry and Government.** The Taskforce identified a number of stakeholders relevant to SSA in Brisbane. These included Queensland Government departments, industry associations and special interest groups. In total, 36 stakeholders were interviewed. Some of these were referred by other stakeholders. A summary of the perspectives of these stakeholders is provided in section 7.2.
5. **Benchmarking interviews with Australian and international jurisdictions.** The Taskforce made written contact with a number of Australian cities, Australian state governments and international cities requesting a meeting to discuss their experiences with SSA. In total, 14 local government bodies, 6 state government departments outside of Queensland and 2 international cities agreed to meet. The results of this benchmarking are discussed further in chapter 9.

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<sup>12</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 1-74.

<sup>13</sup> N Gurran, Y Zhang, P Shrestha & C Gilbert, 'Planning responses to online short-term holiday rental platforms', research report for the Australian Coastal Councils Association, *the University of Sydney*, 2018, pp. 6-74.

<sup>14</sup> *Ibid.*

<sup>15</sup> Dr. S Coakes & Prof. J Grant, 'Byron Shire Short-Term Rental Accommodation Planning Proposal', *NSW Government Independent Planning Commission*, 2023, pp. 1-72.

<sup>16</sup> Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5-114.



6. **Engaged Inside Airbnb** to provide historical data from 2015 to present and ongoing monthly listing updates. This data was used in the economic analysis and to determine location and listing information.
7. **Economic analysis of SSA, population, housing and tourism in Brisbane.** The Taskforce engaged the services of Council's Economic Development team to conduct economic analysis to further understand the context in which the Brisbane SSA market operates. The detail of this analysis is provided in chapter 8.
8. **Analysis of Council's rating and customer data** was also conducted to verify the scale, issues and customer sentiment associated with SSA in Brisbane. These results are further discussed in section 8.4.
9. **Workshops with internal partners** were conducted to assist the Taskforce in generating the range of potential solutions to developing a best practice approach for Brisbane. In total, 9 workshops were held, covering topics such as issues identification and local government levers, definitions, SSA within strata, planning implications, location implications, local law creation and implementation considerations. This engagement has ensured that the recommendations contained in this report have the support of the relevant teams within Council and have considered any operational issues that might arise during their implementation.
10. **Establishing terminology for discussion** was the final stage in the preparation of this report. The legislative landscape within which SSA operates is explored in depth in chapter 6; however, one key finding was that all legislation applied a different defined term to describe the activity. For the purpose of reading this report, the term 'short-stay accommodation' is the primary term used and is specifically utilised as a means of differentiation from any existing legislation. Where another term is employed, it is solely for the purpose of discussing the legislation that uses that particular terminology, such as 'STA' (a planning term) or 'transitory accommodation' (a rating term) or it is a term used by a particular stakeholder or benchmarking partner, such as STRA, which is used in Western Australia.

## 4. Common short-stay accommodation uses and activities

SSA activities occur in different forms, depending on the specific circumstance of the operator. **Table 1** below demonstrates these forms and their corresponding definitions across both the planning and rating definitions used within Council, taken from the *Planning Regulation 2017* and the *Annual Plan and Budget* for years 2023-2024. It should be noted that every property should be assessed on a case by case basis and the below should be referred to as examples only. It is also noted that a new *Annual Plan and Budget* will be released for the 2024-25 year period after the publication of this report.

**Table 1: Planning and rating definitions**

Short title	Description of SSA activity	Planning definition	Rating definition
Non-hosted house	Whole house let full time for SSA. Owner not on premise.	STA – a) means the use of premises for – i. providing accommodation of less than 3 consecutive months to tourists or travellers; or ii. a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but b) does not include a hotel, nature-based tourism, resort complex or tourist park.	Transitory accommodation (Category 23)
Non-hosted apartment	Whole apartment within a community titles scheme (CTS) let full-time for SSA. Owner not on premise.	STA – a) means the use of premises for – i. providing accommodation of less than 3 consecutive months to tourists or travellers; or ii. a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but b) does not include a hotel, nature-based tourism, resort complex or tourist park.	CTS – transitory accommodation* (Category 24)  *(where adhering to specified criteria)
Bed and breakfast	An established Bed and Breakfast business wherein the operator resides onsite, typically with a breakfast service provided	Home-based business (HBB) – the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.	Residential: Non-owner occupied or Mixed use (Category 7)
Hosted room within house	Room/s within a house let for SSA. Owner on premise.	HBB – the use of a dwelling or domestic outbuilding on premises for a business activity that is	Residential: Non-owner occupied or Mixed use (Category 7)

Short title	Description of SSA activity	Planning definition	Rating definition
		subordinate to the residential use of the premises.	
Hosted granny flat within premises	Granny flat let for SSA. Owner on premise.	HBB – the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.	Residential: Non-owner occupied or Mixed use (Category 7)
Hosted room within apartment	Room within apartment within a CTS let for SSA. Owner on premise.	HBB – the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.	CTS – Residential: Non-owner occupied or Mixed use (Category 14)
Unhosted house, long-term occupant temporarily absent	Whole house let for SSA when owner-occupier is temporarily away	Dwelling house means a residential use of premises involving – a) 1 dwelling and any domestic outbuildings associated with the dwelling; or b) 2 dwellings, 1 of which is a secondary dwelling and any domestic outbuildings associated with either dwelling.	Residential – Owner Occupied (Category 1)*  *(where for less than 60 days in any one-year period)
Unhosted apartment, long-term occupant temporarily absent	Whole apartment let for SSA when owner-occupier is temporarily away	Multiple dwelling means a residential use of premises involving 3 or more dwellings, whether attached or detached.	CTS – Residential: Owner-occupied (Category 10)*  *(where for less than 60 days in any one-year period)

One core factor for all of these forms is whether or not the SSA activity has become the predominant use, or whether the premises are still primarily used as a private residence. This is largely determined by the scale of the activity. Where it can be demonstrated that there has been no intensification of the existing use, a material change of use is not deemed to have occurred (see section 6.3.1), therefore the planning definition and rating category do not change.

For example, if a primary occupant lives at a property for 51 weeks of the year and leases their premises for one week while they are on holiday, it is generally considered that the scale and intensity has not been increased. However, the longer the absence of the host whilst the SSA activity is occurring, the greater the likelihood that a material change of use will be deemed to have occurred, changing the defined use to STA in City Plan and potentially affecting the rating category also. This concept and the legislative framework within which these definitions operate are explored further in chapter 6.

### Key findings

- 4.1 Planning and rating definitions for SSA in Council are different, which may be confusing for customers to navigate.

### Possible solutions

- 4.1 Develop a tool to help customers map their SSA activity across all regulatory requirements within Council.

## 5. Data definitions and limitations

One of the consistent issues experienced by any jurisdiction researching SSA is access to reliable data. Online booking agencies have historically not provided listing data to local governments, unless there is a formal state-wide data sharing agreement, citing privacy reasons. The common methodology employed by others has been to rely on scraped data from organisations such as AirDNA and Inside Airbnb. The limitation to both of these platforms for local government purposes is that the scraped data does not include real property addresses. Whilst they are useful tools for gaining estimates of the size of the short-stay market in Brisbane, they cannot be relied upon for compliance and enforcement activities and developing future policy.

The Taskforce initially made contact with AirDNA who provide scraped data from 2 platforms, being Airbnb and Vrbo. The service uses an algorithm to remove duplicate listings. AirDNA's service does not filter to the Brisbane LGA which required a manual process to remove listings in neighbouring local governments. In July 2023, AirDNA reported that there were **3,865** active listings in the Brisbane LGA.<sup>17</sup> While the AirDNA website is a useful resource, it is mainly targeted towards SSA rental investors, hosts and businesses.<sup>18</sup>

Council uses Deckard for the purposes of rating compliance. Deckard's product Rentalscape scrapes 6 online booking agencies and has a process for identifying and removing duplicates. Deckard then employs manual processes to verify property addresses and assign Council's unique property identification number. The limitation of the Deckard product for the Taskforce's purposes is that it has been filtered for rating purposes and only identifies whole houses and apartments where the property has been booked or available for more than 60 days in any one year and for periods less than 42 consecutive days per period. Whilst Deckard has the capability to expand their remit to meet the Taskforce's scope, the time required was outside the required milestones. It is worth mentioning here that the University of Queensland utilised Deckard data for their study in 2023.<sup>19</sup> Their estimated number of active listings<sup>20</sup> for Brisbane was **3,650**.

Ultimately, the Taskforce worked with Inside Airbnb to access data regarding the Airbnb listings in the Brisbane LGA. Inside Airbnb scrapes only publicly available information from the Airbnb website. The data was analysed, cleansed and aggregated.<sup>21</sup> The Taskforce obtained historical data for the Brisbane LGA from 2015, then monthly data scrapes were provided to the Taskforce from August 2023 until February 2024 to assist with the economic analysis of the SSA market in Brisbane, which will be discussed in following chapters. The number of active listings<sup>22</sup> used for this economic analysis was **3,497**.

Subsequent to the Taskforce's engagement with Inside Airbnb, a map for the Brisbane LGA was created in December 2023 and is now publicly available on the Inside Airbnb website.<sup>23</sup> The Taskforce acknowledges and is grateful for the assistance that Inside Airbnb has provided in furthering its objectives.

The Inside Airbnb data is limited by scraping only one source of listing data, being Airbnb. Therefore, listings that solely occur on other platforms will not be included in the listing totals in this report. Due

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<sup>17</sup> AirDNA define an active listing as one that has at least one reserved or available day in the last month. AirDNA, *About AirDNA*, 2024, <https://www.airdna.co/about>

<sup>18</sup> AirDNA, 2024, <https://www.airdna.co/about>

<sup>19</sup> Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5–114.

<sup>20</sup> The University of Queensland study defines an active STRA listing as available for booking or booked for at least one day in a calendar quarter of the reported period. The number of STRA dwellings is then estimated by dividing listings by a factor of 1.62.

<sup>21</sup> Inside Airbnb, *Brisbane*, 2024, <http://insideairbnb.com/brisbane/>

<sup>22</sup> An active listing has been assumed to be any property or room listing that has at least one day booked or available to be booked in the following 90 days from when the listing was scraped on 7 July 2023.

<sup>23</sup> Inside Airbnb, *Brisbane*, 2024, <http://insideairbnb.com/brisbane/>

to most hosts and owners listing with Airbnb,<sup>24</sup> the Taskforce, however, was comfortable that the Inside Airbnb data provides a reasonable proxy for the SSA market in Brisbane.

The lack of a consistent definition of 'active listings' and the absence of accurate data to assist local governments to monitor the SSA market, manage compliance and inform future policy has been a key finding of the Taskforce's activities. It is imperative that Council has access to accurate information which identifies real property addresses of the properties being used for this activity.

Interviews with online booking agencies revealed that there is a willingness to provide data about the number and location of listings via a state-wide registration system, as has already occurred in some states in Australia such as New South Wales, Tasmania and most recently Western Australia. The Local Government Association of Queensland (LGAQ) has also advocated this position.<sup>25</sup>

The Taskforce recommends that Council advocates to the Queensland Government to establish an agreement with the online accommodation booking agencies to provide details regarding the location of residential properties that are advertised for short-term letting. In addition, the Queensland Government should establish a state-wide data sharing system (including a common definition of 'active listings') across the SSA sector that is accessible by local government to inform policy making and compliance activities.

### Key findings

- 5.1 Local government requires access to accurate data of SSA listing information, including real property addresses to monitor and manage the SSA market within their jurisdiction and to inform future policy.

### Possible solutions

- 5.1 Council advocates to the Queensland Government to:
- a) establish an agreement with the online accommodation booking agencies to provide validated addresses of residential properties that are advertised for short-stay letting; and
  - b) introduce a state-wide data sharing agreement with platform providers inclusive of a common definition for 'active listings' and data validation.
- 5.2 Continue to assist LGAQ with their advocacy to the Queensland Government.

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<sup>24</sup> Airbnb meeting with the Taskforce, 9 January 2024.

<sup>25</sup> LGAQ, 'Short-term letting of residential properties', *Policy Statement*, 2022, p. 37.



## 6. Legal framework for short-stay accommodation in Brisbane

The purpose of this chapter is to provide an overview of the legal framework that applies in Queensland to consider potential regulation of SSA and its impacts in Brisbane.

### 6.1 The role of government

In relation to housing:

- i) the Australian Government is responsible for national housing and homelessness policy, financial sector regulations and taxation setting;
- ii) the Queensland Government is responsible for land use and supply policy, urban planning and development policy, housing related taxes and residential tenancy legislation and regulation; and
- iii) local government is responsible for building approval, urban planning and development approval processes, development, compliance with their local laws and rates and charges.<sup>26</sup>

### 6.2 Indefeasibility of title and land use

Indefeasibility of title is the primary principle of the Torren system of registration, the basis of Queensland's property law framework. Indefeasibility of title creates a system of title by registration. In short, indefeasibility of title means that the registered owner has a registered title over land and that a third party is unable to challenge their ownership, subject to a number of exceptions.<sup>27</sup> Indefeasibility of title does not limit the ability of governments to regulate the use of land generally, within its jurisdiction. A government's ability to regulate the use of land within its jurisdiction is set out in various statutes and other statutory instruments.

### 6.3 Queensland legal framework

#### 6.3.1 *Planning Act 2016 and Planning Regulation 2017*

The *Planning Act 2016* (the Planning Act) establishes Queensland's planning framework which includes other legislation and planning instruments that support the operation of 3 main systems: plan-making, development assessment and dispute resolution.

##### 6.3.1.1 Plan-making

The Queensland Government's planning interests are set out in the *State Planning Policy 2017* (SPP) and regional plans.

- Housing supply and diversity – diverse, accessible and well-serviced housing and land for housing is provided to support affordable housing outcomes.
- Liveable communities – liveable, vibrant, healthy, safe, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.
- Tourism – tourism planning and development opportunities that are appropriate and sustainable are supported and the social, cultural and natural values underpinning tourism developments are protected.

Council has prepared and adopted a local planning instrument, City Plan. City Plan guides growth and development in Brisbane. Council needs to consider relevant parts of the SPP and *ShapingSEQ 2023* (regional plan for South East Queensland) when making or amending City Plan and must

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<sup>26</sup> E King & M Thomas, 'Housing market interventions', *Parliamentary Library Briefing Book Key Issues for the 47<sup>th</sup> Parliament*, 2022, pp. 114–122.

<sup>27</sup> There are a number of exceptions to indefeasibility including where title has been registered by fraudulent means, forgery or misdescription. However, a discussion of these exceptions is not necessary for the purposes of this report.

ensure that the relevant interests outlined in the SPP and *ShapingSEQ 2023* are integrated into City Plan.

City Plan regulates development in Brisbane by, among other things, providing detailed directions about each zone's intended use and its development, depending on the location. Please refer to section 6.4.2 for further details.

### 6.3.1.2 Definitions

Whilst local governments can set out various requirements within their planning schemes (such as where within their LGA defined land uses can occur), land use definitions are set out within the *Planning Regulation 2017* (the Planning Regulation). A local government planning instrument must reflect these definitions within its planning scheme exactly as they are worded in the Planning Regulation. Any change proposed to land use definitions as reflected in City Plan would require advocacy to the Queensland Government for a change to the Planning Regulation and any consequential change would affect all local governments in Queensland.

The relevant definitions, regarding SSA, from the Planning Regulation are as follows at the time of writing this report:

#### **Short-term accommodation –**

- a) *means the use of premises for –*
  - i) *providing accommodation of less than 3 consecutive months to tourists or travelers;*  
*or*
  - ii) *a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but*
- b) *does not include a hotel, nature-based tourism, resort complex or tourist park.*

#### **Home-based business –**

*means the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.*

#### **Multiple dwelling –**

*means a residential use of premises involving 3 or more dwellings, whether attached or detached.*

#### **Dwelling house –**

*means a residential use of premises involving –*

- a) *1 dwelling and any domestic outbuildings associated with the dwelling; or*
- b) *2 dwellings, 1 of which is a secondary dwelling and any domestic outbuildings associated with either dwelling.*

To facilitate application of these definitions, the following administrative definition is provided in City Plan:

#### **Dwelling –**

*means all or part of a building that –*

- a) *is used, or capable of being used, as a self-contained residence; and*
- b) *contains –*
  - i. *food preparation facilities; and*
  - ii. *a bath or shower; and*
  - iii. *a toilet; and*
  - iv. *a wash basin; and*
  - v. *facilities for washing clothes.*

An additional relevant definition from the Planning Act is:

**Party house –**

*means premises containing a dwelling that is used to provide, for a fee, accommodation or facilities for guests if –*

- a) guests regularly use all or part of the premises for parties (bucks parties, hens parties, raves, or wedding receptions, for example); and*
- b) the accommodation or facilities are provided for a period of less than 10 days; and*
- c) the owner of the premises does not occupy the premises during that period.*

### 6.3.1.3 Development assessment

The development assessment system sets out if and how development may occur in Brisbane. Local governments, including Council, are for the most part responsible for development in their LGAs.<sup>28</sup> Development assessment involves a proposed development being assessed against a set assessment category and assessment requirements. Development is defined by the Planning Act as falling within one of 5 categories. These categories include a ‘material change of use,’ which means the commencement of a new use of a building, structure or land, or intensifying an existing use. See section 6.3.1.5 for further information on how this relates to establishing a planning offence.

SSA typically occurs as a material change of use, from an approved ‘multiple dwelling’ development to a new STA activity as defined in the Planning Regulation (see section 6.3.1.2).

The Queensland Government is responsible for setting the categories of development which Council applies through City Plan. These categories are:

- prohibited development;
- accepted development; and
- assessable development (code assessable and impact assessable).

Categories of developments are determined by Council through City Plan, to the extent that they do not impose a greater level of assessment than the Planning Regulation. The categories set out in the Planning Regulation will apply in the place of any categories set out in City Plan, in the event of any inconsistency and only the Planning Regulation may nominate prohibited development.

Prohibited development for all of Queensland is outlined in the Planning Regulation and development for a prohibited activity cannot be made lawful under a local government legislative instrument. The Planning Act, however, gives local governments the option, in some circumstances, to restrict uses in specific areas. A relevant example of this is the introduction of s276 of the Planning Act, which allows an LGA to ‘identify all or part of the LGA as a ‘party house’ restriction area.’ This effectively gives local governments the ability to prohibit ‘party houses’ (see section 6.3.1.2 for definition) in certain areas, meaning a development application for a ‘party house’ in such an area could not be accepted at all. In the context of the state-wide regulation of SSA, the impacts are not dissimilar from ‘party houses’. A similar amendment to the Planning Act relating to STA would enable local governments to further regulate STA under the planning scheme, opting into the framework as needed to respond to local needs.

A development approval is not required if a proposed development falls within the accepted development category. If a proposed development is identified as prohibited development, a development application cannot be made. When a development approval is required, a development application must be lodged with Council as the assessment manager under the Planning Act.

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<sup>28</sup> There are some situations where the Queensland Government has the ability to assess development, for example, development which forms part of a Priority Development Area declared under the *Economic Development Act 2012* (Qld).

City Plan outlines when assessable development is code or impact assessable. Council, as the assessment manager, is usually responsible for assessing and deciding a development application for assessable development. Please refer to section 6.4.2 below for an examination of City Plan.

#### 6.3.1.4 Deciding an application

For code assessable development, the Planning Act provides that an assessment manager:

- a) must approve a development application that meets all relevant benchmarks set out in the Planning Act, the Planning Regulation and the relevant local planning instrument;
- b) may approve a development application that does not comply with some of the relevant assessment benchmarks;
- c) must not refuse a development application for non-compliance with some or all of the relevant assessment benchmarks where compliance with some or all of the relevant assessment benchmarks can be achieved by imposing development conditions.

The scope of impact assessable development is broader than that of code assessment and considers:

- the relevant assessment benchmarks set out in the relevant local government's planning scheme where stipulated and the entirety of the planning scheme where not stipulated; and
- any matters outlined in the Planning Regulation; and
- may be assessed against any other relevant matter, such as planning need.

Impact assessable applications also require public notification through specified methods, so that all community impacts can be considered in assessing the development. Any properly made community input received is considered a 'submission' and submitters have appeal rights should they disagree with Council's decision (which must be publicised) to either approve or refuse an application.

Under s65 of the Planning Act, a development condition imposed on a development approval must:

- a) be relevant to, but not be an unreasonable imposition on, the development or the use of the premises as a consequence of the development; or
- b) be reasonably required in relation to the development or the use of the premises as a consequence of the development.

For this reason, Council cannot impose a condition that restricts future development for STA in a premises approved for 'multiple dwelling' use, where it would otherwise be accepted development under City Plan.

Further guidance on interpreting a development approval is provided in 'Things Planners Need to Know About Drafting Conditions That Are Lawful, Certain and Enforceable – The Legal Perspective' by Michael Leong.<sup>29</sup> Leong states that "any uncertainty should be construed in favour of the landowner. That is, a condition should be interpreted in a way which places the least burden on the landowner. This is because the responsibility to ensure approvals of development are clear and unambiguous rests with the approving authority." Consequently, conditions relating to the operation of STA that are not specific enough present further enforcement challenges (as discussed in 6.3.1.5).

A development condition may:

1. limit how long a lawful use may continue or how long works may remain in place; or
2. state that development must not start until other development permits for development on the same premises have been given; or
3. require compliance with an infrastructure agreement for the premises, but only to the extent the responsibilities under the agreement attach to and bind the owner of, the premises under s155(3) of the Planning Act; or
4. require development, or a part of development, to be completed within a stated period; or

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<sup>29</sup> M Leong, 'Things Planners Need to Know About – Drafting Conditions That Are Lawful, Certain and Enforceable – The Legal Planning Perspective', 2019, p. 10.

5. require the payment of security under an agreement under s67 of the Planning Act to support a requirement under item 4 above.

S73 of the Planning Act provides that, once a development application is approved, the development approval attaches to the premises, even if:

- a later development (including reconfiguring a lot) is approved for the premises; or
- the premises are reconfigured; and binds the owner, the owner's successors in title and any occupier of the premises.

By way of an example, a development approval given for a material change of use application to allow STA activities to be conducted within a premises will continue to have effect in relation to the premises, even if the original owner of the land sells or otherwise disposes of the land. It will also apply to any other occupier of the premises.

If, immediately before a planning instrument (i.e. City Plan) change, existing uses, works and approvals were lawful, they continue to be lawful uses and the change does not:

- stop the use from continuing;
- require further regulation of the use; or
- require the use to be changed.<sup>30</sup>

#### 6.3.1.5 Planning offences

The Planning Act regulates the use of a premises. The *lawful use* of premises means 'the use of premises that is a natural and ordinary consequence of making a material change of use of the premises in compliance with the Act.'<sup>31</sup> The effect of this is if the Act permits the use to occur without the need for an approval, such a use is lawful. If the Act requires a development approval for the use, such a use is not lawful unless a development approval permits the use.

Where Council establishes the belief that a development offence has been committed, s168 of the Planning Act permits Council to give the person who has committed the offence and/or the owner of the premises where the offence occurred, an enforcement notice requiring them to take steps to cease the unlawful use and to do anything else that may be considered necessary to remedy the offence.

For the purpose of enforcing this legislation, 'premises' is defined within schedule 2 of the Planning Act as "(a) a building or other structure; or (b) land, whether or not a building or other structure is on the land."

As an example, if a property manager operates an unlawful STA activity from a landowner's property, Council may take compliance action against both the property manager *and* the landowner.

Council may use its powers prescribed in CoBA to investigate the following offences under the Planning Act:

#### **163 Carrying out assessable development without permit**

*A person must not carry out assessable development unless all necessary development permits are in effect for the development.*

*Maximum penalty – 4,500 penalty units*

This offence would occur when assessable development is carried out without the necessary development approvals. Development, to the extent it relates to a use, is relevantly defined in schedule 2 of the Planning Act to include making a material change of use (MCU). A MCU relevantly includes the start of a new use or the re-establishing of an abandoned use. The development, so far

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<sup>30</sup> *Planning Act 2016* (Qld).

<sup>31</sup> *Planning Act 2016* (Qld) schedule 2.



as it relates to a use (being the MCU) is “carried out” at the time the use changes. In effect, at the time the unlawful use commences the s163 offence is committed.

#### **164 Compliance with development approval**

*A person must not contravene a development approval.*

*Maximum penalty – 4,500 penalty units*

This offence would occur where a development approval exists for the use of the premises as either STA or a non-conforming HBB; however, the development is not compliant with the approved conditions package. The use itself has been made lawful, however the operation is not occurring as approved by the development approval.

#### **165 Unlawful use of premises**

*A person must not use premises unless the use –*

*(a) is a lawful use; or*

*(b) for designated premises – complies with any requirements about the use of the premises in the designation.*

*Maximum penalty – 4,500 penalty units*

This offence would occur when the use of a premises for either STA or HBB, as defined in City Plan, requires a development approval and none exists. However, this differs from a s163 offence in that it is not dependent on demonstration of the point in time that the MCU occurred and can be applied to the point in time that the authorised officer can demonstrate that the use is lawful.

The challenges associated with taking compliance action for a s165 offence is that Council must prove that the alleged activity fits within a specific defined use, most commonly STA (see section 6.3.1.2). A listing alone is not necessarily acceptable evidence that a use is occurring. To obtain sufficient evidence, Council must enter the premises with the permission of its occupants, who are often short-term guests. If the STA definition in the Planning Regulation changed to ‘the use *or offer* of premises for providing accommodation’, the listing of an STA premises would be sufficient in demonstrating that an MCU and consequently an offence, has occurred.

Further, a key compliance challenge when pursuing an alleged unlawful HBB is that the definition (and the HBB code) does not prevent an owner/occupier from letting out a premises in their absence. Often, Council compliance officers pursue such an offence by stating that the SSA activity is not ‘subordinate to the residential use of the premises’, per the definition of HBB. However, this argument is subjective and no parameters are provided in the definition that states at what point an SSA activity, in the absence of the primary resident, results in the SSA activity becoming the primary use of the premises. Adding clarification to provide more direction as to when the HBB is no longer subordinate would greatly assist Council’s compliance processes.

### **6.3.2 Building Act 1975**

*The Building Act 1975* (the Building Act) regulates building development approvals, building work, building classification, building certifiers and pool safety inspectors and provides for particular matters about swimming pool safety and sustainable buildings.

The Building Act ensures buildings are constructed in accordance with the Building Code of Australia (BCA) and in certain circumstances, the Queensland Development Code (QDC). The BCA sets out the technical provisions for the design and construction of buildings and other structures in Australia.

S20 of the Building Act provides that all building work is assessable development which requires a permit, unless the building work is accepted development under s21. S21 of the Building Act provides that building work is declared to be accepted development for the Planning Act if:

- a) the building work is prescribed by regulation; and
- b) the regulation states that the building work must comply with the relevant provisions – the building work complies with the relevant provisions for the building work.

Building work that is accepted development under a Regulation or s21(2) of the Building Act is accepted building work for the purposes of the Building Act.

A building is generally classified by a private building certifier at the time the private building certifier assesses any application for building work. The building classifications are set out in the National Construction Code (the NCC). **Table 2** is a summary of the current building classifications as set out in the NCC that are relevant to SSA.

**Table 2: Building classifications per the NCC**

Classification	Description of class
Class 1	1a A single detached dwelling (house) or can also be one or more attached dwellings that share a common wall, for example, row houses, terrace houses, townhouses or villa units.
	1b A smaller boarding house, guest house or hostel that may be commonly referred to as a 'bed and breakfast' accommodation that cannot accommodate more than 12 people and the floor area cannot exceed 300m <sup>2</sup> .
Class 2	A building containing 2 or more sole occupancy units such as an apartment building and each sole occupancy unit is a single dwelling.
Class 3	A building that provides long term or transient accommodation for a number of unrelated persons, including: <ul style="list-style-type: none"> <li>• boarding house, guest house, backpacker accommodation</li> <li>• residential part of: a hotel or motel; a detention centre; health care building; a school.</li> </ul>

For any building constructed after 1 April 1976, except a Class 1a or Class 10 building, the building must have a certificate of occupancy (formally known as a certificate of classification) which is issued after the building work is complete and in accordance with the building approval. Under the Building Act, the certificate of occupancy must be displayed before the building can be used or occupied.

Generally speaking, there are different construction standards, i.e. fire safety and access requirements, that apply to different classes of buildings. Without a change in class, there is no trigger under the Building Act for the application of the BCA unless building work occurs (such as extension or renovation works).

A point of contention is the use of one or more rooms or spaces in a Class 2 building for SSA and whether this should result in a change of classification to a Class 3 building. The technicalities associated with this question are explored through the Class 2 and 3 Evaluation of Options Project<sup>32</sup> commissioned by the ABCB, which investigated the implications of several potential legislative changes. This paper cites: *"The ABCB has been considering issues related to the use of Class 2 and Class 3 buildings for a number of years including concerns about the classification and use of Class 2 and 3 buildings. [...] The key matters of concern related to the use of Class 2 and Class 3 buildings including*

- a) Differences in building code requirements*
- b) Issues with building management and use and*
- c) Issues with commercial investment interests and strategies."*

Explanatory information has been added to the ABCB's webpage addressing NCC Classifications, which addresses the question: "When does a Class 3 motel unit become a Class 2 holiday flat and vice versa?" To answer, the webpage states that "in general, an assessment will be based on the most likely use of the building by appropriate authorities.

Class 3 buildings, where the occupants are generally unfamiliar with the building and have minimum control over the safety of the building, represent a higher risk level and therefore require higher safety

<sup>32</sup> P Chun, 'Class 2 and 3 Evaluation of Options Project', *Report for the Australian Building Codes Board*, 2012, pp. 4-73.

levels. In a case where the classification is unclear, a decision should be made according to the perceived risks inherent in the use of the building.”<sup>33</sup> This advice was confirmed on Friday 15 September 2023 by NCC following an information request from the Taskforce.<sup>34</sup>

### **6.3.3 Building Units and Group Titles Act 1980**

The *Building Units and Group Titles Act 1980* (BUGTA) was established to provide for the horizontal subdivision and vertical subdivision of land into lots and the disposition of title and the ongoing management and operation of those lots. S30 of BUGTA provides that bodies corporate for building units and group title schemes may make by-laws for the purpose of the control, management, administration, use or enjoyment of lots and common property.

In the District Court decision of *Redman v Fairway Island GTP 107328* [2020] QDC 68, His Honour Judge Barlow QC (as he was then titled) considered the validity of a by-law of the bodies corporate, established under BUGTA, that prohibited the use of a lot, other than as a private residence of the proprietor, or for accommodation of the proprietor’s guests and visitors. The by-law further provided that a proprietor may rent out their lot from time to time, provided that in no event could any individual rental be for a period of less than one month.<sup>35</sup>

His Honour Judge Barlow considered that he was permitted to consider the ordinary meaning of the words ‘residential use’ because they are not defined in the BUGTA or the by-laws. It is important to note that there is no ability to establish building units or group titles under BUGTA, with all new group titles being established and managed under the BCCM Act.

### **6.3.4 Body Corporate and Community Management Act 1997**

#### **6.3.4.1 By-laws**

The BCCM Act provides for the establishment, operation and management of CTSs. The BCCM Act replaces the building unit plan and group plan arrangements established under BUGTA.

The BCCM Act seeks, among other things, to:

- a) ensure that bodies corporate for CTSs have control of the common property and body corporate assets they are responsible for managing on behalf of owners of lots included in the schemes;
- b) provide bodies corporate with the flexibility they need in their operations and dealings to accommodate changing circumstances within CTSs; and
- c) encourage the tourism potential of CTSs without diminishing the rights and responsibilities of owners and intending buyers, of lots in CTSs.<sup>36</sup>

To assist bodies corporate to manage and operate their CTS, the BCCM Act allows for the establishment of by-laws within community management statements. By-laws for a community management statement may only provide for the following:

- a) the administration, management and control of common property and body corporate assets;
- b) regulation of, including conditions applying to, the use and enjoyment of:
  - i. lots included in the scheme; and
  - ii. common property, including utility infrastructure; and

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<sup>33</sup> Australian Building Codes Board, *Part A6 Building Classification*, National Construction Code, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-two/a-governing-requirements/part-a6-building-classification>

<sup>34</sup> Australian Building Codes Board – National Construction Code Team, written response to the Short-Stay Accommodation Taskforce, 15 September 2023.

<sup>35</sup> District Court of Queensland, *Redman v The Proprietors – Fairway Island GTP 107328* [2020] QDC 68, *District Court of Queensland*, 2020, p. 1.

<sup>36</sup> *Body Corporate and Community Management Act 1997* (Qld) s4.

- iii. body corporate assets, including easement areas relevant to common property; and
- iv. services and amenities supplied by the body corporate.<sup>37</sup>

However, the BCCM Act prohibits bodies corporate from making by-laws that restrict the type of residential use of a lot if that lot may be lawfully used for residential purposes.<sup>38</sup> Further, by-laws of a body corporate:

- must not prevent or restrict a transmission, transfer, mortgage or other dealing within a lot (including, for example, leasing a lot);<sup>39</sup>
- must not discriminate between types of occupiers.<sup>40</sup> As such, by-laws cannot be made or amended to restrict the use of lots or common property facilities by short-term occupiers;
- (other than an exclusive use by-law) must not impose monetary liability on the owner or occupier of a lot included within a CTS.<sup>41</sup> As such, a body corporate cannot impose fees via by-laws to make owners who let their property on a short-term basis pay extra expenses incurred for common property maintenance; and
- must not be oppressive or unreasonable, having regard to the interests of all lot owners and occupiers.<sup>42</sup>

Relevant to SSA within CTSs, the Queensland Civil and Administrative Tribunal held in its decision of *Body Corporate for Hilton Park v Robertson* [2018] QCATA 168 that the legislature had intended for the term 'residential' to include holiday letting/SSA and that imposing a restriction on holiday letting through the by-laws would contravene s180(4) of the BCCM Act because it restricted a dealing with a lot.<sup>43</sup>

#### 6.3.4.2 Regulation modules

The BCCM Act defines a regulation module as per below.

- a) A regulation module is a regulation under this Act that states it is a regulation module for the BCCM Act.
- b) A regulation module applies to a CTS if the community management statement identifies the module as the regulation module applying to the scheme.
- c) A CTS must have only one regulation module applying to it.
- d) Different regulation modules may apply to different CTSs in a layered arrangement of CTSs.

At the establishment of a CTS, the developer of the scheme is the 'original owner' of scheme lots and effectively controls the scheme until more than half of all scheme lots are sold. Management rights are usually put in place by the developer as body corporate during this original owner control period.<sup>44</sup>

The original owner is responsible for choosing a scheme's regulation module. While the body corporate may subsequently change regulation module, this does not alter the terms of an existing management rights agreement.<sup>45</sup>

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<sup>37</sup> Ibid s169.

<sup>38</sup> Ibid s180(3).

<sup>39</sup> Ibid s180(4).

<sup>40</sup> Ibid s180(5).

<sup>41</sup> Ibid s180(6).

<sup>42</sup> Ibid s180(7).

<sup>43</sup> Queensland Civil and Administrative Tribunal, '*Body Corporate for Hilton Park CTS 27490 v Robertson* [2018] QCATA 168', *Queensland Civil and Administrative Tribunal*, 2018, s180(4).

<sup>44</sup> Queensland Department of Justice and Attorney-General, 'Management Rights in Community Titles Schemes', *Discussion Paper for Consultation*, 2012, pp. 1–29.

<sup>45</sup> *Body Corporate and Community Management Act 1997* (Qld) s128.

This sale of management rights involves not only the sale of the resident manager's lot or other property, but also the sale of a caretaking agreement and letting authorisation between the management rights business and a body corporate.

Maximum term length, one of the key aspects of a management rights agreement, is largely dependent on the original owners/developers' choice of regulation module. There are obligations, backed by penalties, that must be met by original owners entering agreements on behalf of the body corporate. However, the legislation does not place particular obligations on the original owner in relation to the choice of regulation module.

There are 5 regulation modules for bodies corporate in Queensland which are outlined below.

- Standard Module.
- Accommodation Module.
- Commercial Module.
- Small Schemes Module.
- Specified Two-lot Schemes Module.

The **Standard Module** is the default module for a CTS.<sup>46</sup> It is primarily designed with owner occupancy and long-term residential needs in mind and limits the length of management rights contracts to 10 years.

The **Accommodation Module** is designed for schemes mainly offering long or short-term lease or letting, typically holiday accommodation and it puts a 25-year limit on contracts. Management rights agreements for schemes registered under the Accommodation Module are potentially more valuable and easier to finance due to this longer contractual term.

The BCA provides for different building classifications based on the use of the building and the associated safety risks. Different building classifications require compliance with different fire safety and access requirements. However, the body corporate legislation does not rely on the BCA or its classifications in regard to the choice of regulation module.

The disconnection between the development approval, the building approval and the choice of regulation module has the effect of establishing management rights agreements for SSA letting in buildings that were approved, designed and often sold for residential apartments. This has the effect of causing consumer confusion, and stakeholder engagement has revealed that often people buy in to apartment buildings seeking a long-term home, only to find that an SSA letting arrangement has been set up for multiple other apartments by building management, effectively turning their residence into a quasi hotel.

### **6.3.5 City of Brisbane Act 2010**

CoBA provides for a system of local government in Brisbane and describes the way in which Council is constituted. CoBA operates separately to the *Local Government Act 2009*, which is responsible for providing for the system of local government for all other local governments in Queensland.

In accordance with s11 of CoBA, Council has 'the power to do anything that is necessary or convenient for the good rule and local government of Brisbane.' This general power includes the power to, relevant to this report, make and enforce local laws, enforce other local government related laws and levy rates and charges on all rateable land in Brisbane.

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<sup>46</sup> If the circumstances required for the scheme to be eligible under the chosen regulation module do not exist.



### 6.3.5.1 Local law-making powers

Council has the power to make and enforce any local law that is necessary or convenient for the good rule and local government of Brisbane.<sup>47</sup> This general power is subject to several limitations. Specifically, Council must not make a local law:

- a) that sets a penalty of more than 850 penalty units for each conviction of contravening a local law;
- b) that purports to stop a local law from being amended or repealed in the future or
- c) about a matter that is prohibited.

Council is prohibited from making a local law about several matters, the most relevant of which being:

- a) an alternative development process that is similar to or duplicates all or part of the development assessment process under the Planning Act.

Given the broad nature of Council's powers to make and enforce local laws, Council has the ability to make and enforce a local law that regulates SSA. This is subject to Council first complying with the prescribed provisions of the anti-competitive provisions. However, such a local law could not regulate the same criteria that is regulated under the Planning Act.

### 6.3.5.2 Residential Tenancies and Rooming Accommodation Act 2008

The *Residential Tenancies and Rooming Accommodation Act 2008* (the RTRA Act) regulates residential tenancy agreements, rooming accommodation agreements and other related matters.

Importantly, residential premises under the RTRA Act is defined to mean premises that are 'used, or intended to be used, as a place of residence or mainly as a place of residence.'<sup>48</sup> A residential tenancy is the right to occupy residential premises under a residential tenancy agreement.<sup>49</sup>

Importantly, s31 of the RTRA Act provides that it does not apply to a residential tenancy agreement if the right of occupancy of the premises is given for holiday purposes. Further, s31(2) provides that a right to occupy premises given for 6 weeks or longer is taken not to be given for holiday purposes unless the contrary is proven.

Consequently, a right to occupy residential premises for a period of less than 6 weeks, is generally regarded as a right given for holiday purposes. The term 'holiday purpose' is not defined by the RTRA Act.

In one particular 2023 court case, the Queensland Civil and Administrative Tribunal considered the relevancy of several factors in determining whether a premises is or isn't being used for holiday purposes.<sup>50</sup> While the RTRA Act does not apply to SSA, the principle of 'holiday purpose' and the case law considering this term may be of assistance in any future regulatory options undertaken by Council or the Queensland Government.

## 6.4 Brisbane legal framework

### 6.4.1 Monitoring and enforcement of local government related laws

Council has several powers to support it to monitor and enforce local government-related laws. Local government-related laws are defined to include local laws, CoBA, the Planning Act, the Building Act and a planning scheme made under the Planning Act.

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<sup>47</sup> *City of Brisbane Act 2010* s29.

<sup>48</sup> *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) s10.

<sup>49</sup> *Ibid* s11.

<sup>50</sup> QCAT, 'Scholefield v High Surf Resorts Pty Ltd t/as Beachcomber Surfaces Paradise', QCAT 223 case, 2014, pp. 1–10.

These powers can be summarised as follows:

- a) the power to require a person to state their name and address if an authorised person
  - i. finds a person committing an infringement notice offence; or
  - ii. finds a person in circumstances that lead an authorised person to suspect (on reasonable grounds) that the person has just committed an infringement notice offence; or
  - iii. has information that leads the authorised person to suspect (on reasonable grounds) that the person has just committed an infringement notice offence;
- b) the power to enter a public place without permission;
- c) the power to enter private property with and in accordance with, the occupier's permission;
- d) the power to enter private property with and in accordance with a warrant issued by a magistrate; and
- e) the power to enter a property, to inspect the property, in order to process an application made under any local government-related law, to inspect a record that is required to be kept for a budget accommodation building under the Building Act, to find out whether the conditions of a permit or notice have been complied with, or to inspect work that is subject of, or was carried out under, a permit or notice issued under a local government related law.

In addition to these powers, Council may establish an approved inspection program under which an authorised person may enter and inspect properties in Brisbane to ensure that local government-related laws are being complied with.<sup>51</sup>

#### **6.4.2 Brisbane City Plan 2014**

City Plan is Council's plan for the future development of Brisbane. The plan guides how land in Brisbane is used and developed. City Plan applies to the planning scheme area of Council, including all premises, roads, internal waterways and tidal areas.

##### **6.4.2.1 Zones**

In the context of STA, the use falls within specific categories of assessment depending on the relevant zones as outlined in **Appendix E**.

Of note, Council's policy position through City Plan is that STA is appropriate in centre zones and in the Mixed use zone (all precincts). S3.7.2 of City Plan discusses desired specific outcomes for Brisbane's city centre and states that "the City Centre comprises integrated residential and short-term accommodation", where compliant with the relevant neighborhood plan. Further, City Plan categorises STA as a centre activity and per **Appendix E** it is generally accepted within centre zones.

Conversely, STA has been deemed Impact assessable in the Low density residential zone (LDRZ). One overall outcome of the LDRZ is 'development reflects and supports the high level of comfort, quiet, privacy and safety (including impacts of glare, odour, light, noise, traffic, parking, servicing and hours of operation) reasonably expected within a predominantly low-density permanent residential environment.'<sup>52</sup> It can therefore be determined that STA, by nature of it being Impact assessable in these areas, would be challenged in achieving this outcome even where the STA is serving a local accommodation need.

Further, there are a small number of sites in the Brisbane LGA that are zoned for tourism accommodation – these are primarily located on Moreton Island. Despite there being several suburbs that attract interstate and overseas tourists (see chapter 8), these areas are not zoned for

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<sup>51</sup> *City of Brisbane Act 2010* s122.

<sup>52</sup> *Brisbane City Plan 2014* s6.2.1.1.

tourism accommodation and instead are largely in the LDRZ. Where sites are zoned for tourism accommodation, development for STA is still Code assessable and only within existing premises.

#### 6.4.2.2 Assessment benchmarks

City Plan nominates specific assessment benchmarks for particular uses. These appear in City Plan generally in the form of codes. The most commonly known ones are categorised as:

- zone codes
- neighbourhood plan codes
- overlay codes, or
- use codes.

Where STA is required to meet assessment benchmarks, the Centre or mixed use code is typically triggered in centre zones or the Mixed use zone (all precincts), whereas the STA code is typically triggered in residential zones (subject to meeting specified requirements), with the exception of the Low density residential zone. The requirements of the Centre or mixed use code closely resemble those of the STA code and both only apply requirements relating to:

- management of food odour
- acoustic screening of plant or equipment
- distance from any spray-painting workshop.

The built form requirements are addressed through the Multiple dwelling code. It can therefore be summarised that largely the same planning parameters apply to the development of 'multiple dwellings' as those applicable to STA, with no additional requirements imposed on STA developments. It would be beneficial if the assessment benchmarks for STA were reviewed to determine whether it would better manage amenity if benchmarks were more specific to STA activity.

#### 6.4.3 Local laws

Currently, Council does not regulate SSA through its local laws. However, Council does regulate other matters which may be relevant to SSA.

The *Health, Safety and Amenity Local Law 2021* (HSALL) provides for the protection of standards of community health and safety and the enhancement of local amenity by:

- a) regulating activity which will or may unreasonably interfere with standards of community health, safety and local amenity; and
- b) minimising the adverse impacts of those activities on standards of community health, safety and local amenity.

Currently, HSALL focuses on the regulation of waste management, fires, shopping trolleys, unsolicited advertising material and community newspapers and unsightly objects, materials or vegetation. There are no specific SSA requirements in HSALL at the time of writing this report.

#### 6.4.4 Rates and charges

In accordance with s96 of CoBA, Council must levy general rates on all rateable land in Brisbane and may levy special rates and charges, utility charges and separate rates and charges. The rates and charges to be levied by Council are decided by resolution at Council's budget meeting for a future financial year.

Once rates and charges are determined at a Council meeting for the following financial year, the rates and charges cannot be amended.

In accordance with s73 of the *City of Brisbane Regulation 2012* (CoBR), Council may levy general rates that differ for different categories of rateable land in Brisbane. This is called differential general rates.

These broad powers to levy general rates and to determine different categories of rateable land for the purposes of levying differential general rates has allowed Council to implement new rating categories which charge a higher rate in the dollar for properties that are used for the purposes of 'transitory accommodation'. However, this rating category does not apply to residential properties used as a bed and breakfast.<sup>53</sup>

Where a property is operating as a STA, generally a rating category for transitory accommodation should be applied. However, there are differences in the wording for the definitions of STA (see section 6.3.1.2) and transitory accommodation as follows.

Transitory accommodation is defined in the Resolution of Rates and Charges<sup>54</sup> as:  
*'means the use of a dwelling as temporary accommodation by a paying guest. The dwelling must be offered, available or used for a period of more than 60 days in any one-year period by renting the dwelling for period/s of less than 42 consecutive days at any one time.'*

*This use does not include the use of a room or rooms within a dwelling for temporary accommodation by a paying guest where the dwelling is also the main place of residence of the owner or an occupier who remains within the dwelling to host the paying guest. The room or rooms must form an integral part of the primary dwelling with guests and occupier sharing areas such as living room, dining room, kitchen or bathroom.*

*Transitory accommodation includes a dwelling that is subject to a management agreement with a third party that permits the dwelling to be offered, made available or used for temporary accommodation by a paying guest.*

*(Note: transitory accommodation listings or advertising/marketing, for example, on publicly available websites and/or with real estate agents, will constitute evidence of the land being offered, available or used for a transitory accommodation purpose).'*

Further, rates categories 7 and 14 are intended to capture owner-occupied properties used as home-hosted SSA as residential mixed use developments, which have similar application to the planning definition of HBB, but significantly differ in terminology.

A mixed use residence is defined in the Resolution of Rates as.<sup>55</sup>  
*"Mixed use residence means land containing a dwelling from which an owner or an occupier conducts a non-residential or commercial activity and that activity exceeds the conditions set out in column 2 and conforms to but does not exceed the conditions set out in column 3 of the table at s15.6 of this resolution.*

*This does not include land that falls within the definition of owner-occupied residence or non-owner occupied residence."*

### Key findings

- 6.1 Bodies corporate do not currently have the power under the BCCM Act to pass by-laws that restrict SSA in their buildings (however they do under BUGTA).
- 6.2 It is difficult for Council to enforce the current STA activity given the standard of evidence required to prove that a use is unlawful based on the existing definitions.

<sup>53</sup> A 'bed & breakfast' or home-hosted accommodation becomes either Category 7 in a house or Category 14 in an apartment.

<sup>54</sup> Resolution of Rates and Charges 2023-24 s14.

<sup>55</sup> Ibid.

- 6.3 Council cannot apply the same planning parameters for STA as currently exists for 'party houses' under the Planning Act.
- 6.4 Council cannot impose a condition that restricts future development for STA in a premises, where it would otherwise be accepted development under City Plan.
- 6.5 Largely the same planning parameters apply to the development of 'multiple dwellings' as those applicable to STA, with no specific requirements for STA developments.
- 6.6 There is confusion amongst the built environment industry regarding whether SSA can occur in a Class 2 building.
- 6.7 At present, the operation of SSA is regulated entirely through the Planning Act and City Plan, which are limited to imposing requirements on the land use only.
- 6.8 Council has the power under CoBA to apply differential rating to SSA and introduce a local law.
- 6.9 The disconnection between the development approval, the building approval and the choice of regulation module has the effect of establishing management rights agreements for SSA letting in buildings that were approved, designed and often sold as residential apartments.

#### **Possible solutions**

- 6.1 Council advocates to the Queensland Government to:
  - a) empower bodies corporate under the BCCM Act to regulate the use of lots within CTSs for SSA purposes
  - b) review the BCCM Act in relation to Regulation Modules to improve consumer confidence
  - c) amend the definition of STA to include the word "offer"
  - d) have a power to further regulate STA in specified locations (similar to the 'party house' provisions in the Planning Act)
  - e) consider compliance processes and evidentiary standards during planning any future changes to the Building Act, the Planning Act and the Planning Regulation.
- 6.2 That Council review and monitor existing planning requirements and settings in City Plan, the Planning Act and the Planning Regulation to determine whether definition and assessment benchmark changes are required. In doing so, Council should determine if additional planning provisions specific to STA are required.
- 6.3 That Council consider introducing a new local law that seeks to better regulate SSA activities that fall outside of the scope of land use impacts. The local law should seek to:
  - a) increase accountability of SSA operators
  - b) address the amenity impacts of SSA
  - c) apply appropriate penalties and enforcement, through prescribing offences
  - d) create a reliable data source.

## 7. Results of public and stakeholder engagement

### 7.1 Public survey

The SSA public survey opened from Monday 14 August 2023 and closed on Saturday 30 September 2023. Its aim was to gather feedback to understand the community impact of SSA in Brisbane. The survey collected 599 responses from various stakeholder groups such as industry bodies, platform providers, bodies corporate, tourism and economic development associations, SSA operators and members of the community. Additional written responses submitted after the close date have also been considered in the analysis but have not been included in the official survey count.

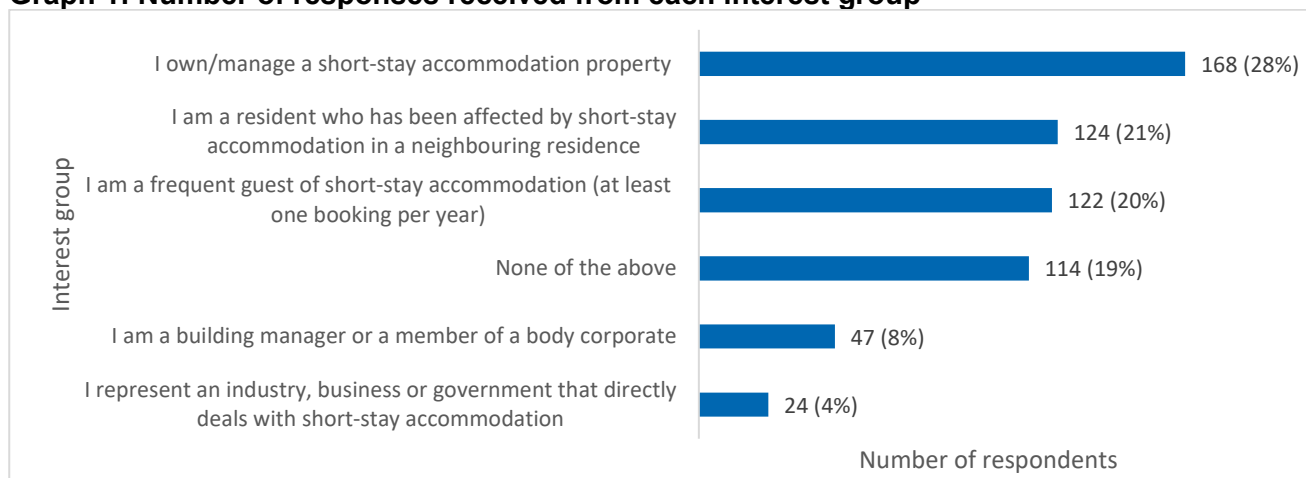
#### 7.1.1 Qualtrics results

Specifically, there were 6 interest groups, those being:

- SSA owners/managers
- industry, business or government representatives
- neighbouring residents
- frequent guests
- building managers or members of bodies corporate
- none of the above.

As indicated in **Graph 1**, owners/managers of SSA represented 28% of respondents, followed by neighbouring residents (21%) and frequent guests (20%). Industry, business and government representatives had the least number of responses to the survey, however this group was also consulted separately through additional stakeholder engagements, with feedback summarised in section 7.2.

**Graph 1: Number of responses received from each interest group**



Q: Please select the criteria that most applies to you from the options below (n=599)

The survey asked respondents' primary identifying details, followed by a series of interest-group-specific questions. However, the core questions asked of all interest groups were as follows.

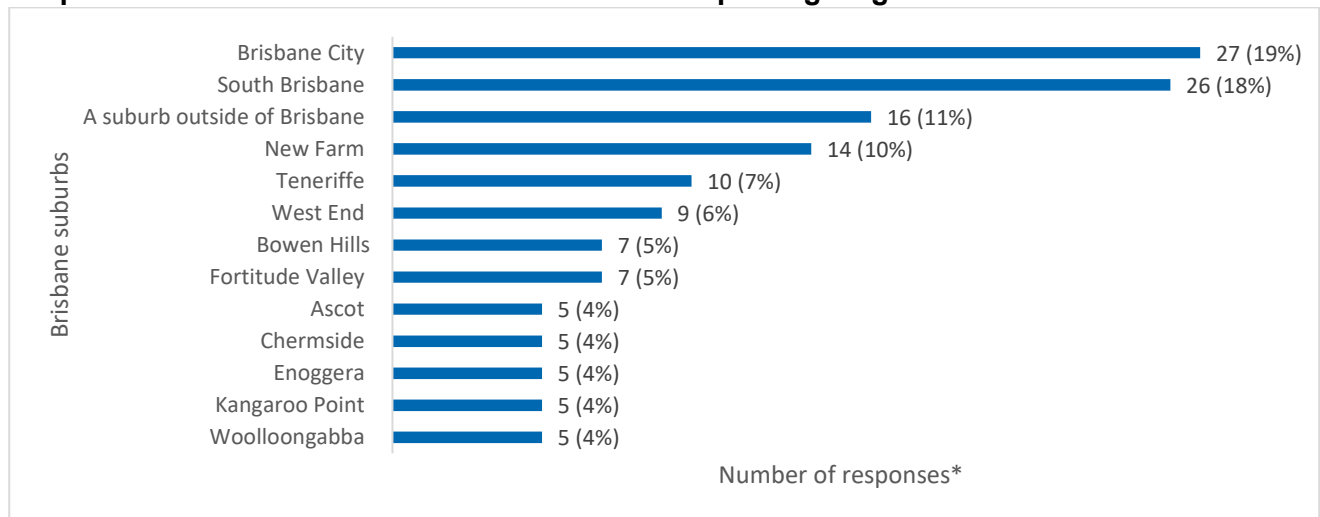
- What are the key benefits of short-stay accommodation that you have observed?
- What do you believe to be the key challenges of short-stay accommodation?
- What do you believe to be the key impacts of short-stay accommodation?
- What regulatory conditions or restrictions do you believe should be applied to best mitigate the impacts of short-stay accommodation?
- Are there any currently applied regulatory conditions or restrictions that you believe should be removed?
- In general, how do you think that short-stay rental accommodation can best operate while preserving the economic viability, amenity, safety and liveability of the city?



These core questions were chosen as they enabled all respondents to voice their opinion regarding the benefits, challenges and impacts of SSA in Brisbane. The following graphs reveal the results of the public survey, followed by the predominant themes identified throughout the responses. Key findings at the end of this chapter summarise the data insights from the below graphs.

The most common suburbs noted by respondents where SSA is undertaken and impacting neighbours are Brisbane City, South Brisbane, New Farm, Teneriffe, West End, Bowen Hills and Fortitude Valley (see **Graph 2** below). These suburbs are all located in central areas, predominantly zoned to allow for STA.

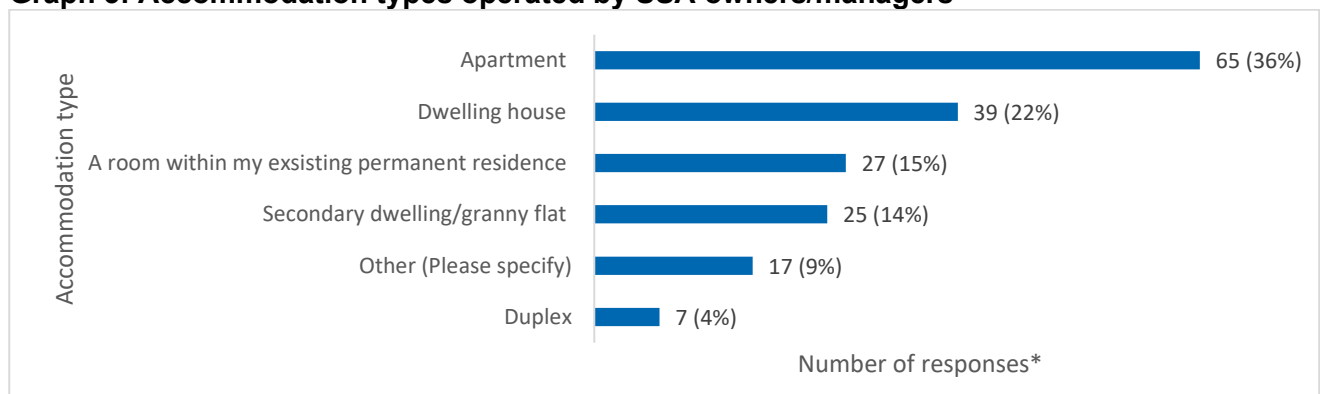
**Graph 2: Suburbs where SSA is undertaken and impacting neighbours**



Q: What suburb(s) are your short-stay accommodation property(ies) located within? (n=141) \*Multiple choice question where respondents were able to select all applicable criteria. The values and percentages reflect the number of times an option was selected, rather than the number of respondents (n=271). This graph also only captures the most impacted suburbs where SSA is owned.

**Graph 3** indicates that 36% of surveyed SSA owners/managers operate an apartment, followed by 22% who operate a dwelling house. 15% operate a room within an existing residence and 14% identified a granny flat as their type of SSA.

**Graph 3: Accommodation types operated by SSA owners/managers**

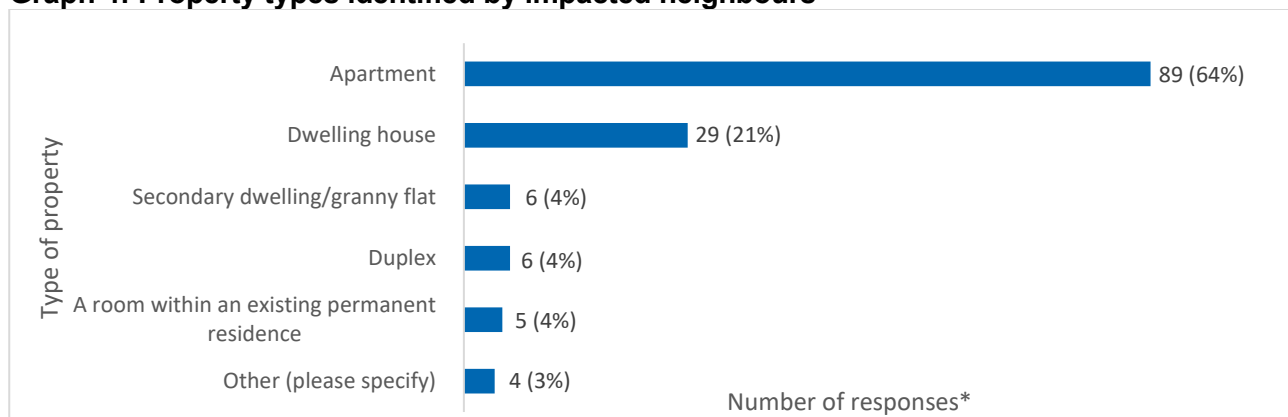


Q: What short-stay accommodation type(s) do you operate? (n=180)

\*Multiple choice question where respondents were able to select all applicable criteria. The values and percentages reflect the number of times an option was selected, rather than the number of respondents (n=155).

**Graph 4** identifies the property types that surveyed impacted neighbours have been affected by, with 64% of respondents stating that apartments have had the greatest impact. This correlates to the finding in **Graph 3** that revealed apartments are also the most predominant type of SSA used by operators.

**Graph 4: Property types identified by impacted neighbours**

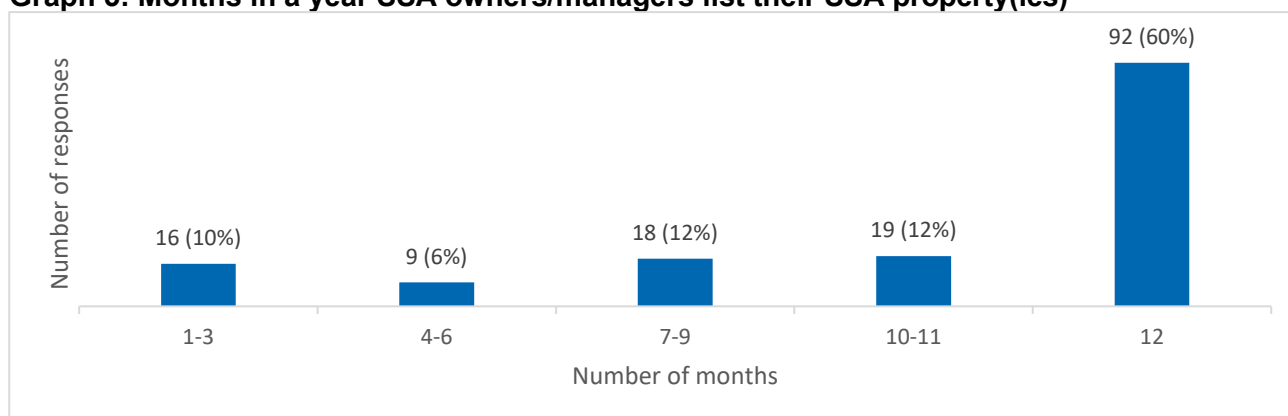


Q: What type of short-stay accommodation were you affected by? (n=139)

\*Multiple choice question where respondents were able to select all applicable criteria. The values and percentages reflect the number of times an option was selected, rather than the number of respondents (n=119).

As seen in **Graph 5**, the majority of surveyed owners/managers list their property all year round.

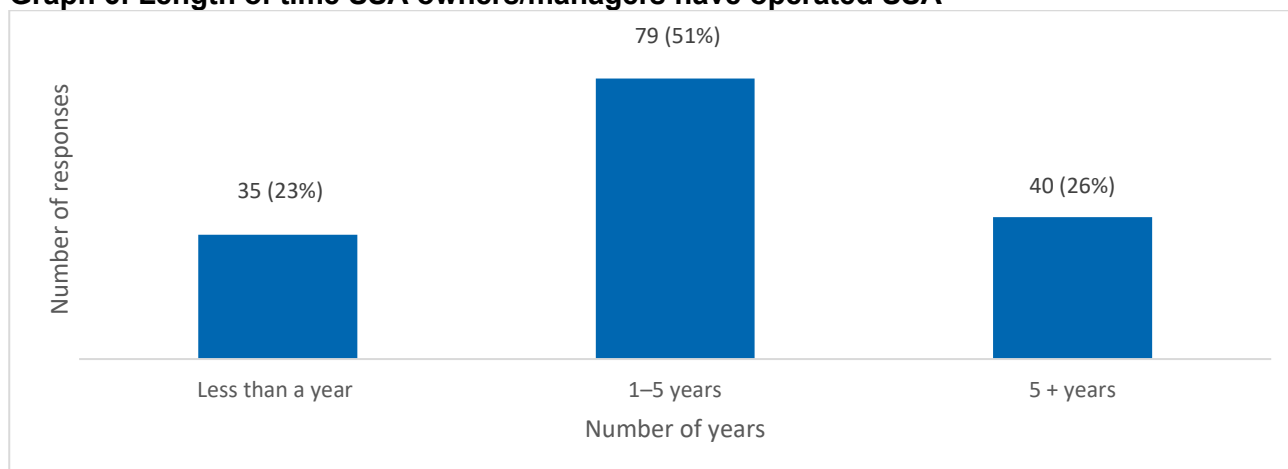
**Graph 5: Months in a year SSA owners/managers list their SSA property(ies)**



Q: How many months in a year would you typically list your property(ies) for short-stay accommodation? (n= 154)

**Graph 6** reveals that 51% of owners/managers who responded to the survey have been operating their SSA for 1–5 years, which is significantly higher compared to 26% who have been operating for 5+ years and 23% who have been operating for less than a year. It can be concluded that the majority of surveyed SSA operators have at least one years' experience in the industry.

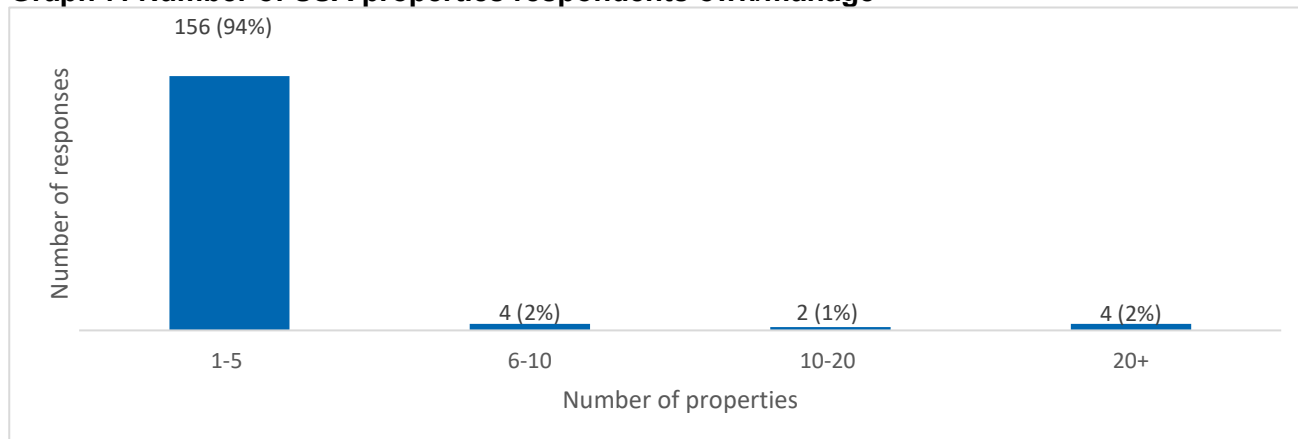
**Graph 6: Length of time SSA owners/managers have operated SSA**



Q: How long have you operated short-stay accommodation(s)? (n=154)

As displayed in **Graph 7**, 94% of owners/managers operate 1–5 SSA properties. In contrast, only 1% operate 10–20 SSA properties, which is the least predominant amount identified by respondents.

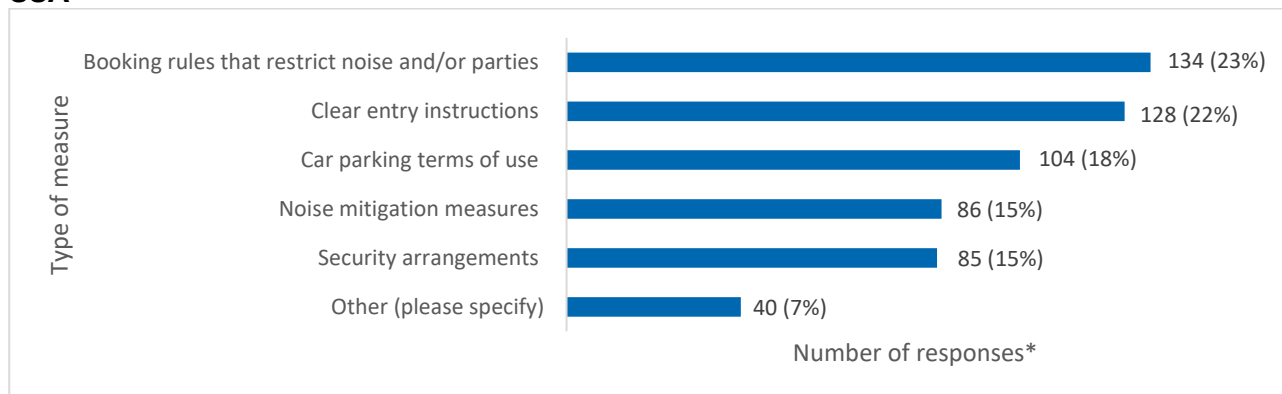
**Graph 7: Number of SSA properties respondents own/manage**



Q: How many properties are short-stay accommodation? (n=166)

23% of surveyed owners/managers confirmed that they have booking rules in place to restrict noise and/or parties, which was the most common type of mitigation measure (see **Graph 8** below). To compare, 7% selected ‘other’, which they specified as being longer minimum stays, increased communication with guests and neighbours, appropriate waste management and sufficient guest vetting.

**Graph 8: Measures that owners/managers have put in place to reduce potential impacts of SSA**

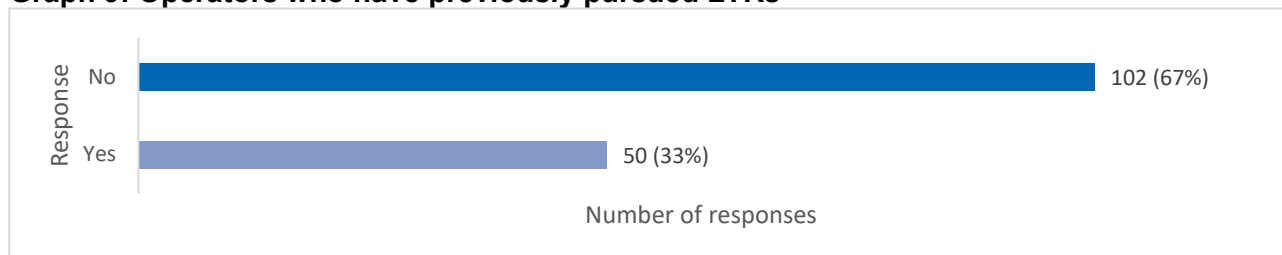


Q: What measure have you put in place to lessen potential impacts of short-stay accommodation? (n=577)

\*Multiple choice question where respondents were able to select all applicable criteria. The values and percentages reflect the number of times an option was selected, rather than the number of respondents (n=141).

**Graph 9** shows the number of operators who have previously pursued traditional rental agreements. 33% responded “yes” and have specified reasons in **Graph 10** as to why their occupancy arrangement changed to SSA.

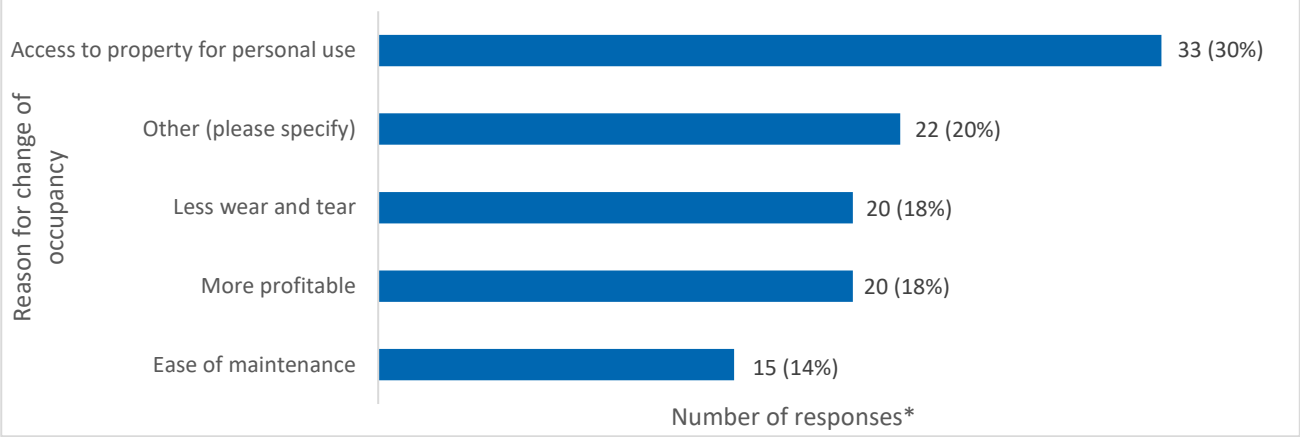
**Graph 9: Operators who have previously pursued LTRs**



Q: Did you previously pursue traditional rental agreements for any of your short-stay accommodations? (n=152)

**Graph 10** indicates reasons why operators chose to change their property(ies) from long-term to SSA including ease of maintenance, less wear and tear, more profitable and access to property for personal use. Respondents who selected ‘other’ outlined the negatives that accompany LTRs those being ‘increased cost of living’, ‘lack of support from governments’, ‘issues with tenants’ and ‘less control’.

**Graph 10: Reasons for change of occupancy**



Q: What caused you to change your occupancy arrangement to short-stay? (n=110)  
\*Multiple choice question where respondents were able to select all applicable criteria. The values and percentages reflect the number of times an option was selected, rather than the number of respondents (n=49).

It is evident in **Graph 11** that 83% of SSA guests have not had any significant experiences with neighbours, indicating that respondents believe the interactions have been minimal and/or pleasant. In saying this, 17% believe that they have had both positive and negative significant experiences. Examples include partying neighbours, excessive noise and complaints from neighboring residents, welcoming, friendly and helpful neighbours and overall good interactions, respectively.

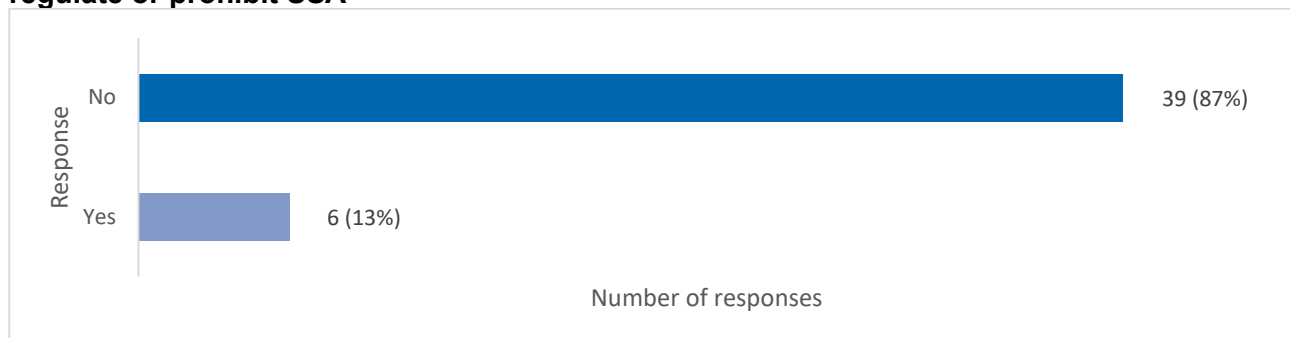
**Graph 11: Guests who have had significant experiences with neighboring residents of SSA**



Q: Have you had any significant experiences with neighbouring residents at any short-stay accommodation(s) you have stayed at? (n=113)

**Graph 12** identifies that 87% of surveyed building managers or members of bodies corporate currently do not have by-laws in place that regulate or prohibit the operation of SSA. Of the 13% of respondents who selected ‘yes’, some gave insight into how effective these by-laws have been in mitigating impacts. While some responded with “fine” or “largely effective”, others believe that they’re currently “unenforceable”. These opinions contribute to their strong advocacy to introduce a by-law, allowing bodies corporate to prohibit/restrict SSA for non-owner occupiers or all (see **Graph 16** below and **Graph 40 in Appendix C**). Sections 6.3.3 and 6.3.4 provide further detail of the legal framework which covers the creation of by-laws relating to SSA.

**Graph 12: Building managers or members of bodies corporate who have by-laws in place that regulate or prohibit SSA**



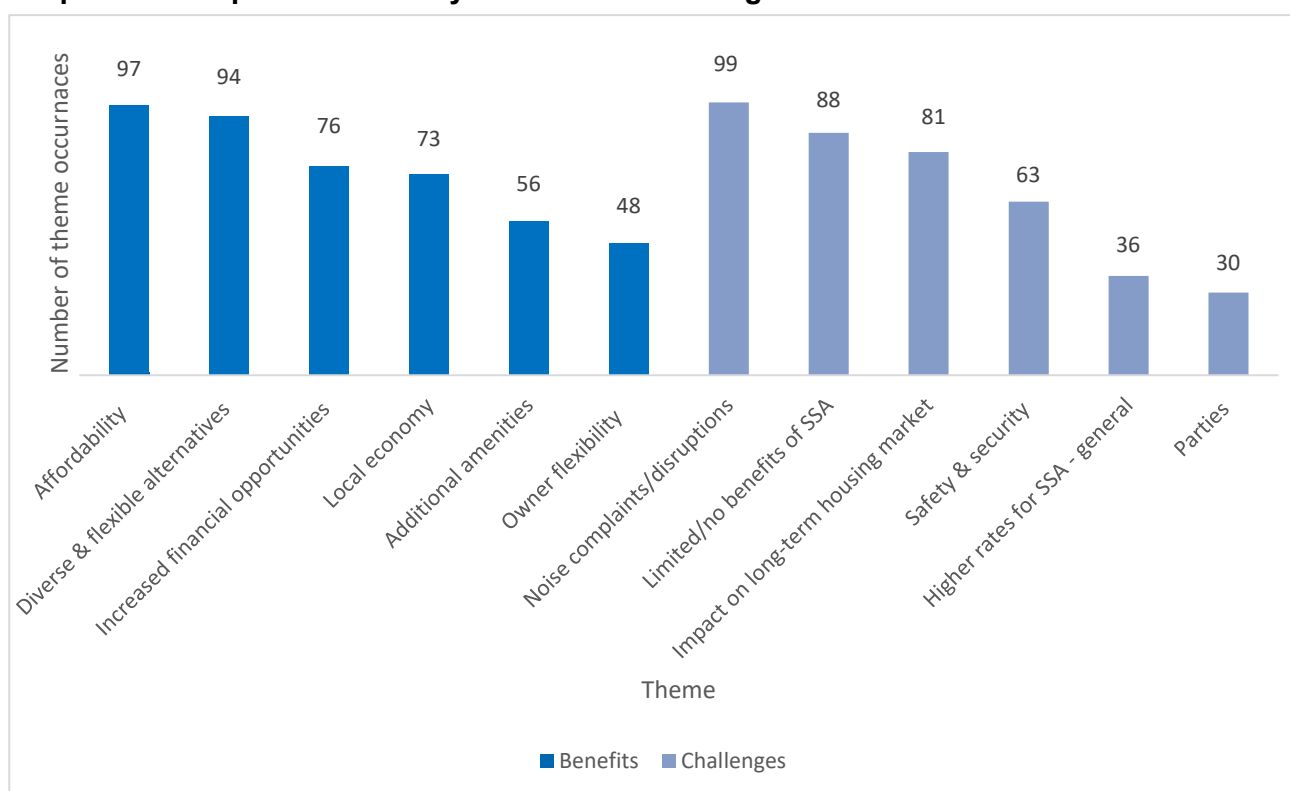
Q: Does your building(s) have by-laws that regulate or prohibit the operation of short-stay accommodation? (n=45)

### 7.1.2 Qualitative responses

The qualitative data gathered from the open-ended questions in the survey was also used to conduct an extensive thematic analysis. The overarching themes identified in the responses gave insight into the positive impacts, predominant issues and recommended regulatory framework of SSA in Brisbane. **Graphs 13, 14, 15, 16 and 17** represent the most predominant themes that occurred throughout all responses.

**Graph 13** represents the key benefits and challenges of SSA across all interest groups. Whilst the benefits range from guest experience of 'affordability' and 'diverse and flexible alternatives', as well as owner benefits like 'increased financial opportunities' and 'owner flexibility', there is a strong identification of 'limited/no benefits of SSA' and 'noise complaints/disruptions'.

**Graph 13: Most predominant key benefits vs. challenges of SSA**



Q: What are the key benefits of short-stay accommodation that you have observed?

Q: What do you believe to be the key challenges of short-stay accommodation?

Furthermore, 'local economy' was a predominant theme in response to the core survey question stated above regarding the benefits of SSA. To specify, survey respondents implied that SSA

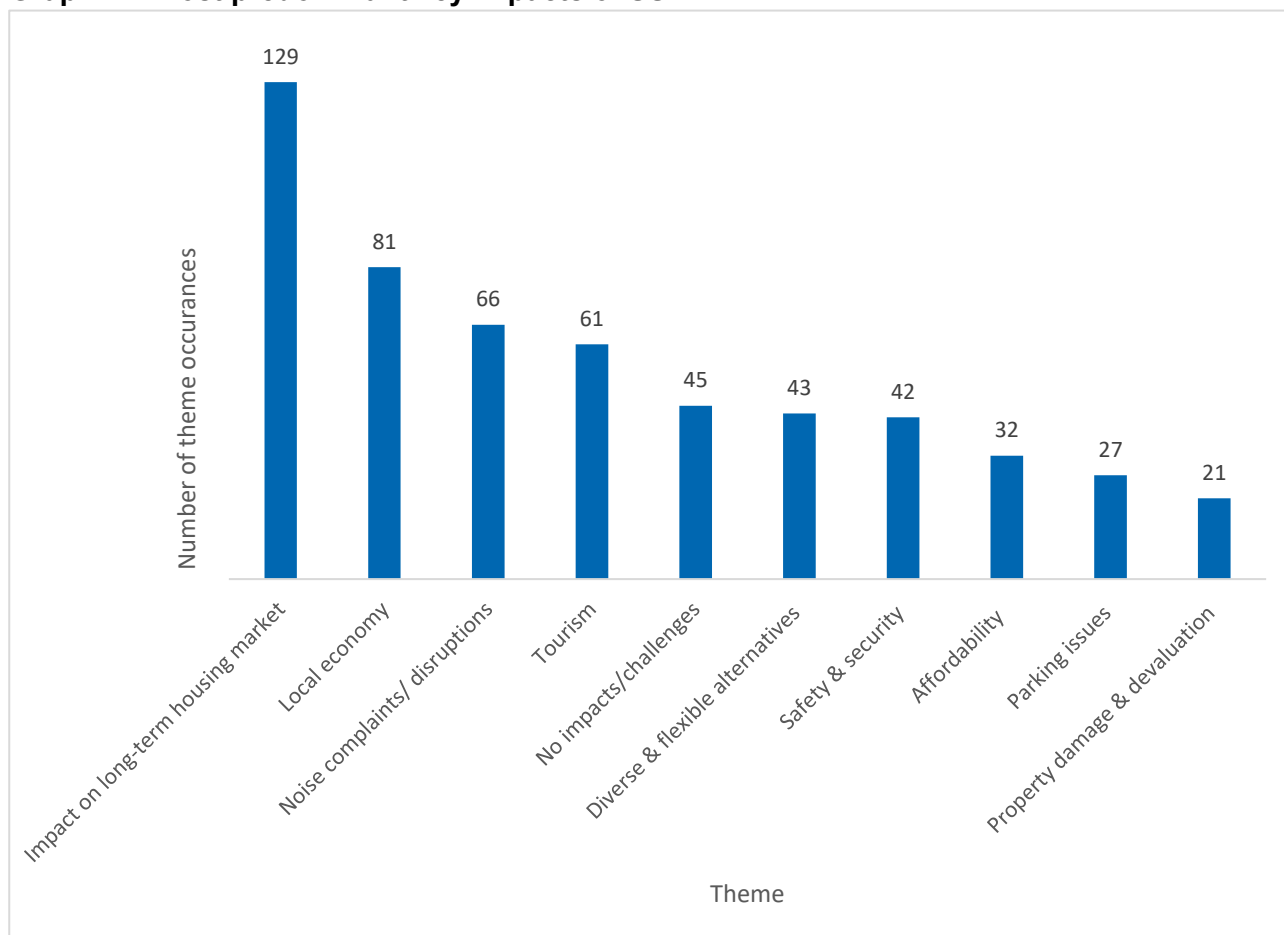
benefits local economies through guests' increased spending within the community at local cafes, bars and restaurants etc. Respondents also identified that the provision of 'additional amenities' are a key benefit of SSA. To specify, this includes access to self-contained properties, fully equipped kitchens, laundry facilities and additional appliances in general.

Negatively, 'safety and security' were also recognised as predominant key challenges. Sentiments from the survey revealed that individuals, specifically neighbours, raised concerns that SSA increases the number of strangers entering private buildings and accessing resident-only areas.

It's particularly important to note that many survey respondents from most interest groups believe that SSA impacts the long-term housing market. There was, however, a corresponding theme that this is in fact a misperception. Further discussion about the housing market in Brisbane can be found in section 8.6.

**Graph 14** illustrates a mix of negative, but predominately positive impacts. The key positive impacts identified by respondents were 'local economy', 'tourism', 'no impacts/challenges', 'diverse and flexible alternatives' and 'affordability'. For context, 'diverse and flexible alternatives' equate to the range of SSA properties available to guests including large groups, parents that visit studying children or those caring for loved ones in hospital. These examples help demonstrate respondents' arguments that SSA is valuable and services a demand.

**Graph 14: Most predominant key impacts of SSA**



Q: What do you believe to be the key impacts of short-stay accommodation?

There were separate themes for other specific accommodation requirements such as 'family friendly', 'pet friendly', 'assistance in relocation' and 'support during natural disasters' etc. While these themes did not primarily occur in the survey responses overall, they still provide reasoning as to why respondents believe that SSA is an essential type of accommodation.

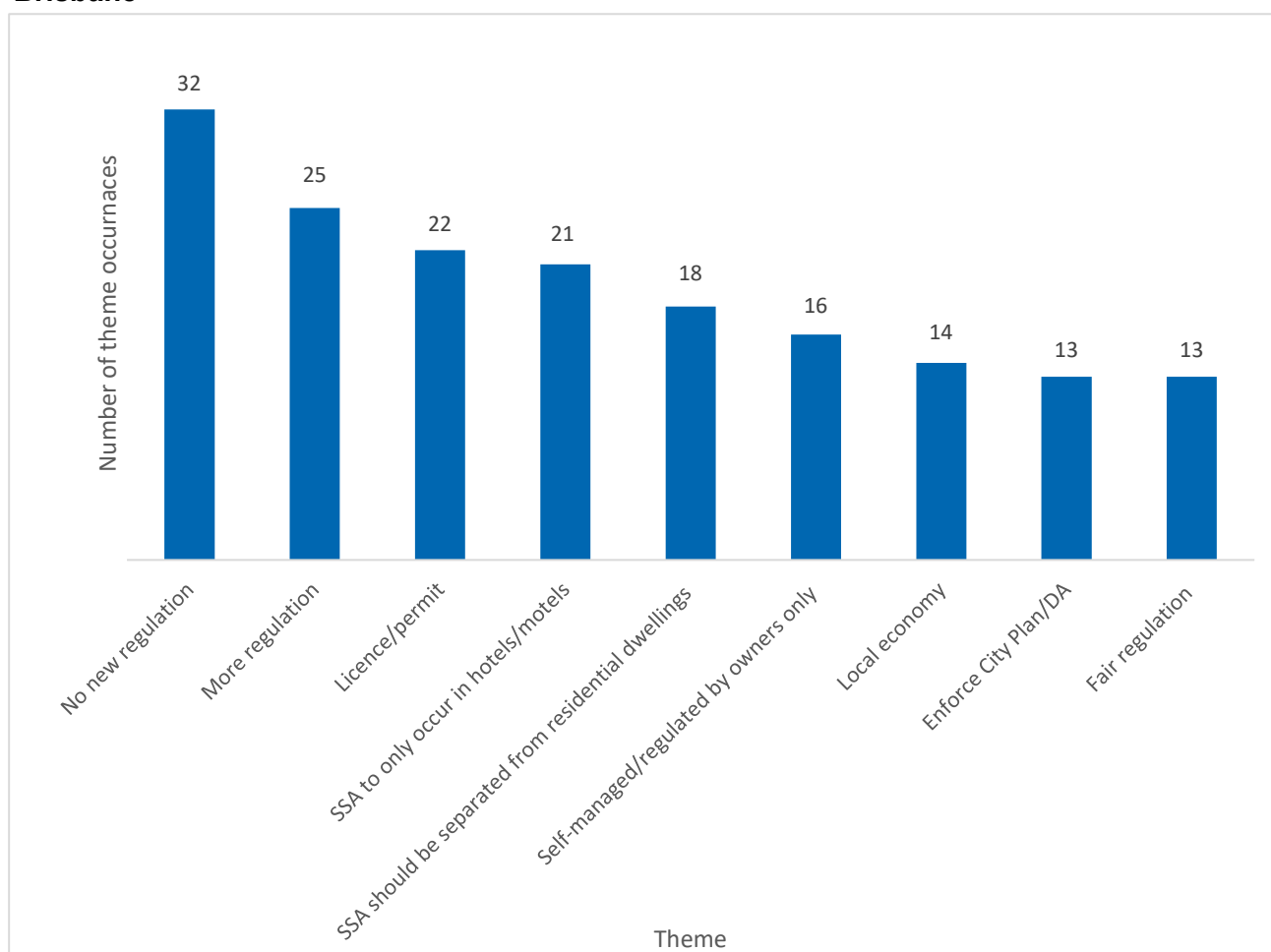


In contrast, the key negative impacts recognised include ‘impact on long-term housing market’, ‘noise complaints/disruptions’, ‘safety and security’, ‘parking issues’ and ‘property damage and devaluation’. Some of these are identical to themes in **Graph 13**, reiterating the common issues of SSA that need to be addressed.

**Graph 15** gives insight into how respondents believe SSA can best operate in Brisbane. From a regulatory point of view, respondents advocated for ‘more regulation’, ‘fair regulation’ and the introduction of a ‘licence/permit’. Contradictory to this, the most predominant theme was the desire for ‘no new regulation’, meaning that the current legislation and regulatory framework is sufficient and that further regulation is not warranted. This data is quite diverse, which supports the statement that all interest groups have differing perspectives.

Other predominant themes revealed that respondents believe ‘SSA should be separated from residential dwellings’ and restricted to hotels/motels by restricting SSA to specific locations or floors in apartment buildings.

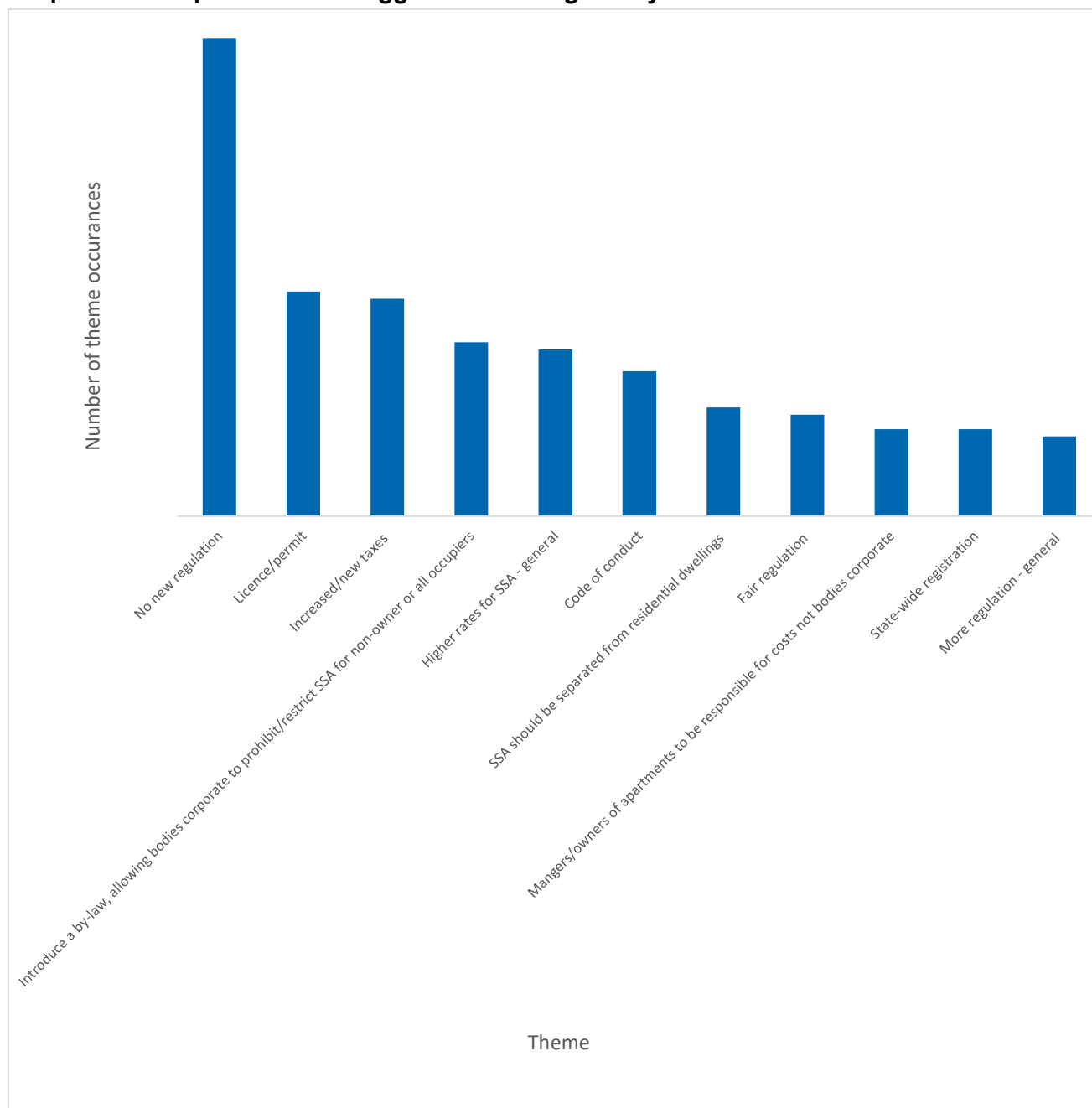
**Graph 15: Most predominant themes for economic viability, amenity, safety and liveability of Brisbane**



*Q: In general, how do you think that short-stay rental accommodations can best operate while preserving the economic viability, amenity, safety and liveability of the city?*

Of the 599 respondents, the theme of ‘no new regulation’ was most predominantly represented in response to the below question (see **Graph 16**), which correlates to the results in **Graph 15**. It is noted that operators represent the largest percentage of survey respondents thus this predictable outcome, however other interest groups also expressed this opinion. Other responses were fairly evenly distributed and suggested ‘increased/new taxes’, a ‘licence/permit’ and to ‘introduce a by-law allowing bodies corporate to prohibit/restrict SSA for non-owner or all occupiers’ etc.

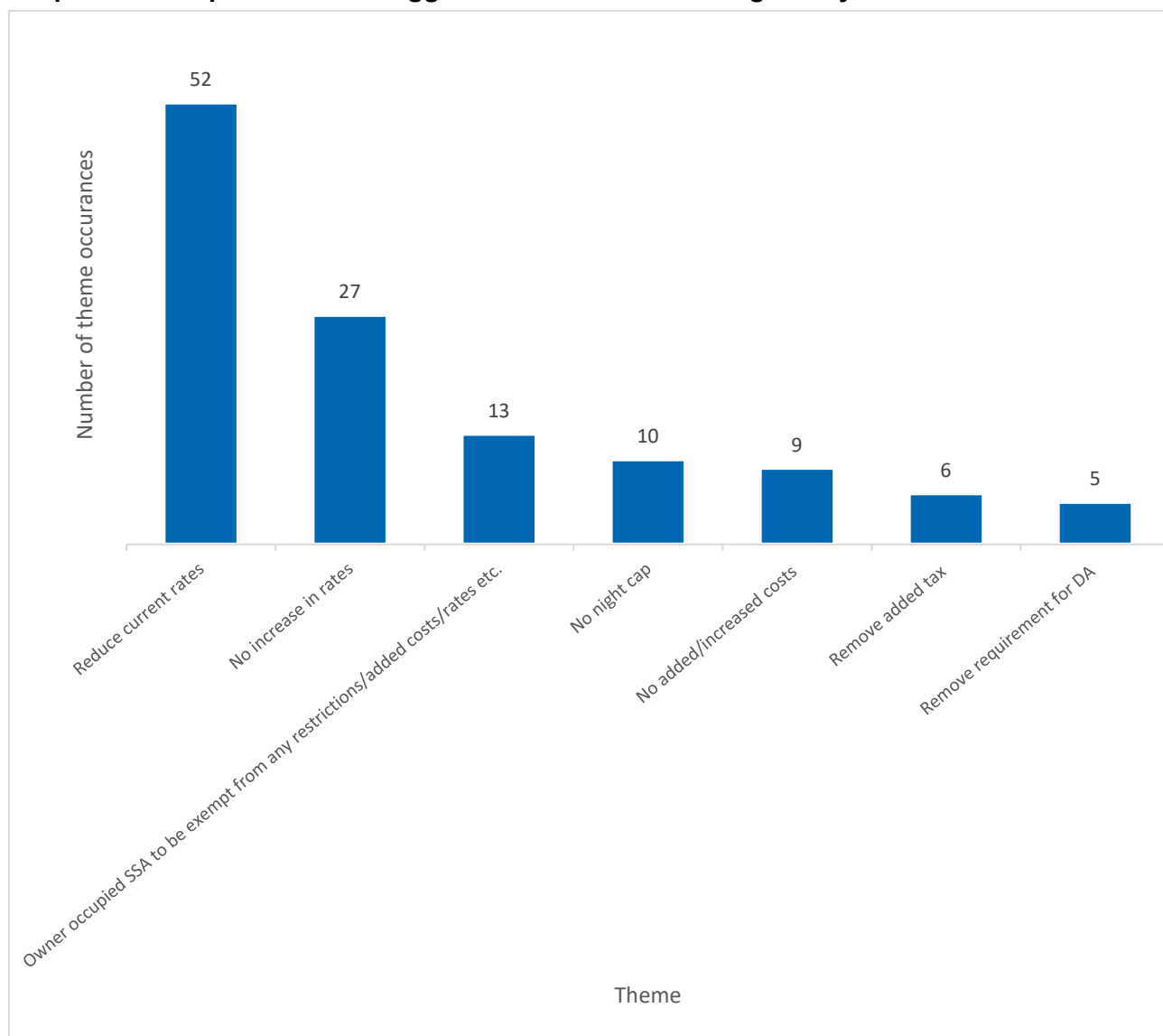
**Graph 16: Most predominant suggestions for regulatory framework**



*Q: What regulatory conditions or restrictions do you believe should be applied to best mitigate the impacts of short-stay accommodation?*

Respondents also identified the key regulatory frameworks that should be **removed**, as seen below in **Graph 17**. Across all interest groups, respondents held the unified belief that current Council rating of SSA properties should be reduced. Similarly, respondents also predominately believe that there should be no further increase in rates.

**Graph 17: Most predominant suggestions for removal of regulatory framework**



*Q: Are there any currently applied regulatory conditions or restrictions that you believe should be removed?*

Additionally, the most predominant themes specific to each interest group have been identified in **Appendix C**. The data gives insight into the key differences compared with the most predominant themes overall, as determined through the core questions and relevant graphs above.

### **7.1.3 Key themes – owners/managers of SSA**

Owners/managers had the highest representation in the survey, with 168 submissions (see **Graph 1**). As per **Graph 36** in **Appendix C**, a key theme unique to owners/managers of SSA was 'no negative impacts to neighbours/amenities'. To elaborate, hosts in the survey believe that it is their responsibility to ensure that guests are not impeding on the peace and quiet of neighbouring residents, demonstrating the prevalence of good operators. Other key themes from this interest group were also identified in the predominant themes overall such as 'affordability', 'local economy' and 'tourism'.

### **7.1.4 Key themes – industry, government and business representatives**

As mentioned previously, this interest group had the lowest representation in the survey, however their opinions have been appropriately represented throughout stakeholder engagements. Unsurprisingly, 'more education' was only identified as a key theme in the responses from industry,

business and government representatives (see **Graph 37** in **Appendix C**). To corroborate, sentiments gathered in section 7.2 determined that industry associations advocate for an increase in industry standards which can be achieved through various forms of education. To further support this, respondents were also asked the question 'In what capacity does your organisation promote short-stay accommodation?'. Within representatives' responses, the theme of 'more education' also most frequently occurred.

Another key theme unique to this interest group was 'unclear/inconsistent regulatory framework and Planning regulations', alluding to their judgment that current regulation should be reviewed to enhance clarity.

#### **7.1.5 Key themes – neighboring residents impacted by SSA**

Neighbouring residents were fairly represented in the survey, with 124 submissions (see **Graph 1**).

The most prevalent themes represented in the responses from impacted neighbours were also identified as key themes in the overall graphs such as 'safety and security', 'noise complaints/disruptions' and 'impact on long-term housing market'. However, a key theme that differentiated neighbouring residents from other interest groups was 'abuse and disrespect of residents' (see **Graph 38** in **Appendix C**).

#### **7.1.6 Key themes – frequent guests of SSA**

Similar to neighbouring residents, there were 122 survey submissions from frequent guests (see **Graph 1**). As displayed in **Graph 39** in **Appendix C**, 4 key themes raised by guests were 'comfortability', 'alternative to hotels', 'family friendly' and 'location convenience', which were not identified as predominant in any other interest group.

The survey asked frequent guests the following 3 questions.

- What experiences/amenities/general factors do you seek when booking a short-stay accommodation?
- What do you believe to be the key advantages of staying in traditional hotels compared to short-stay accommodation?
- What are the key overall benefits of short-stay accommodation that you observed?

In response to these questions, the 4 key themes outlined above most frequently occurred in at least one of the 3 questions.

This concludes that respondents are aware of the positives associated with SSA. Upon booking SSA, guests look for a level of comfort, which they referred to as "home-like" and "a home away from home". Guest respondents also stated that this homely experience is not always provided in hotels, hence why they believe SSA is a good alternative.

Furthermore, guests nominated that SSA can accommodate families, another unique feature that hotels cannot always offer. Phrases like "bigger space, more rooms for children" and "much better for travelling with family – especially for longer stays" were written throughout the responses. Additionally, guests also believe that SSA is conveniently located to accessible "transport links," "food outlets," "restaurants" and "parks", which in their words create a more authentic and local experience.

#### **7.1.7 Key themes – building managers or members of bodies corporate**

This interest group also had a lower representation in the survey, with only 47 submissions (see **Graph 1**). In saying this, building managers/members of bodies corporate had similar views to neighbouring residents. 'Limited/no benefits', 'noise complaints/disruptions', 'safety and security' and 'impact on long-term housing market' were identified as the most predominant themes in both interest groups (see **Graph 40** in **Appendix C**).

### 7.1.8 Key themes – none of the above

As per **Graph 1**, there were 114 submissions from respondents who categorised themselves as ‘none of the above’. These were primarily general members of the public who have observed SSA second-hand and other respondents who didn’t want to be identified as a particular interest group.

Respondents in this group were divided between positive and negative perspectives of SSA. Some of these respondents mentioned the existence of ‘government interference’, meaning that they believe governments are already over-involved in the issue of SSA or should not be involved at all moving forward. Others were of the opinion that SSA should be banned.

This respondent group also advocated for a ‘tax increase’, imposing further costs on operators, as well as the implementation of a SSA night cap specifically 30–60 days per year. To conclude, their perspectives differed the most compared to all other interest groups (see **Graph 41** in **Appendix C**).

Consequently, it is clear through the identification of key themes that there are similarities and differences in the opinions of each interest group. These findings help to support the argument that SSA is a very complex, multifaceted issue and that any implemented regulation cannot satisfy all stakeholders.

## 7.2 Stakeholder engagement

### 7.2.1 Summary of stakeholder feedback

In addition to the public survey, the Taskforce interviewed 36 external stakeholders to canvas their views on the issues and solutions relative to SSA in Brisbane (see **Table 9** in **Appendix A** for the full list of stakeholders).

The stakeholders were classified into the following groups:

- online booking platforms
- Queensland Government
- industry associations – property and tourism
- industry associations – SSA property owners
- industry associations – non-SSA property owners
- local government associations.

**Table 3** summarises the general sentiment and suggested solutions of each of the stakeholder groups.

**Table 3: Summary of stakeholder feedback**

Stakeholder group	General sentiment	Preferred solution
Online Booking Providers <i>Airbnb, Expedia Group, Booking.com</i>	<ul style="list-style-type: none"><li>• SSA is good for the economy</li><li>• SSA assists hosts to make ends meet</li><li>• SSA is less than 1% of the housing market in Australia</li><li>• Seeking consistent rules across local governments</li><li>• Some would support a visitor levy</li></ul>	<ul style="list-style-type: none"><li>• Supportive of a state-wide register and code of conduct</li><li>• Not supportive of day caps</li></ul>
Queensland Government <i>Economic Development Queensland (EDQ), Department of Tourism and Sport (DTS), Department of State Development Infrastructure, Local Government and Planning (DSDILGP),</i>	<ul style="list-style-type: none"><li>• Commissioned the University of Queensland to determine if SSA had an impact on housing availability or affordability</li><li>• No evidence to have a state-wide regulation (the University of Queensland findings)</li></ul>	<ul style="list-style-type: none"><li>• Investigating a state-wide register</li><li>• Some review of definitions could be helpful but no current work occurring<sup>56</sup></li><li>• Announcement on 6 February 2024 that the Queensland Government will introduce a</li></ul>

<sup>56</sup> Accurate at the time of interviews (4 September 2023–31 October 2023).

Stakeholder group	General sentiment	Preferred solution
<i>Department of Housing, Local Government, Planning and Public Works (DHLGPPW), Office of Body Corporate Commissioner Queensland (BCCQ)</i>	<ul style="list-style-type: none"> <li>Local governments should manage SSA</li> <li>Housing supply is the issue</li> <li>General position that SSA contributes positively to Brisbane, with acknowledgement of some concerns</li> <li>General position that existing legislation does not need to be changed</li> <li>Created an Industry Reference Group, which convened from 2018–2020</li> </ul>	<ul style="list-style-type: none"> <li>registration scheme for short-term rental (STR) properties</li> </ul>
<i>Industry associations – property and tourism Queensland Tourism Industry Council (QTIC), Queensland Hotels Association (QHA), Real Estate Institute Queensland (REIQ), Property Council of Australia (PCA), Brisbane Economic Development Agency (BEDA)</i>	<ul style="list-style-type: none"> <li>Existence of short-stay private letting preceded online platforms</li> <li>Prioritising accommodation choice for tourists</li> <li>SSA is not contributing to lack of housing availability and affordability</li> </ul>	<ul style="list-style-type: none"> <li>SSA should be held to the same standard as hotels</li> <li>Suggest incentivising rather than penalising</li> <li>Qualified letting agents are needed to manage SSA properties. Council to regulate instead of the Queensland Government</li> <li>Could facilitate an accreditation process on Council's/ the Queensland Government's behalf</li> <li>SSA supplements hotel supply. Need more hotels and tourist attractions to meet future needs</li> </ul>
<i>Industry associations – SSA property owners Property Investors Council of Australia (PICA), Property Investment Professionals of Australia (PIPA), Short Term Accommodation Association Australia (STAAA), ASTRA</i>	<ul style="list-style-type: none"> <li>Want the 'carrot' instead of the 'stick'</li> <li>Unfair targeting for causing housing supply issues</li> <li>Not just tourists use SSA</li> <li>Property investors exit an uncertain, over-regulated market</li> <li>Property owners want flexibility of usership for their properties</li> <li>Misconception about volume of investment ownership – most are mum and dad investors with single investment properties</li> <li>Acknowledgement that poor operators hurt everyone and need better regulation</li> <li>Desire to be distinguished by efforts to properly manage properties</li> </ul>	<ul style="list-style-type: none"> <li>Raise fire and general safety standards for SSA</li> <li>Incentivise landlords to encourage LTRs through reduced rates, contribution discounts on new builds, etc</li> <li>State-wide registration and code of conduct</li> <li>Higher standards for operators</li> <li>Regulatory requirements to be clear and transparent, to inspire investor confidence</li> </ul>
<i>Industry associations – Non-SSA property owners Unit Owner's Association Queensland (UOAQ), Australian Apartment Advocacy (AAA), Strata Community Association (SCA) Queensland, Owners Corporation Network (OCN), Spice Body Corporate, Riverpoint Body Corporate</i>	<ul style="list-style-type: none"> <li>People are buying apartments expecting the building to be only owner occupied/LTRs</li> <li>Damage to property that bodies corporate have to pay for</li> <li>Can't get insurance for SSA – falls to BCs</li> <li>Sale of Management Rights process is flawed</li> <li>Lack of appropriate guest vetting causes problems</li> <li>SSA needs better legislation</li> <li>SSA by-passes consumer protections under the RTRA Act</li> <li>Buildings not being used for their purpose (Class 2 and 3)</li> </ul>	<ul style="list-style-type: none"> <li>Formal registration with a complaint process – 3 strikes out</li> <li>Bodies corporate should be able to make a by-law to ban or restrict SSA</li> <li>Incentivise landlords to encourage LTRs</li> <li>Hold the SSA platforms and owners accountable – take a bond</li> <li>Councils should enforce building classifications</li> <li>Tighten up zones where SSA can happen – separate from residential</li> <li>Special regulations for the Brisbane 2032 Olympic and Paralympic Games</li> <li>Need significant penalties for breaches</li> </ul>



Stakeholder group	General sentiment	Preferred solution
		<ul style="list-style-type: none"> <li>• Need property law around seller disclosures</li> <li>• Restrict SSA through development approval conditions</li> </ul>
LGAQ, Council of Mayors South East Queensland (CoMSEQ)	<ul style="list-style-type: none"> <li>• General consensus that some sort of regulation/monitoring needs to occur</li> <li>• Participated in an Industry Reference Group, which convened from 2018 – 2020 (LGAQ)</li> <li>• Committed to working with the Queensland Government to manage growth within the industry</li> <li>• Each LGA experiences SSA differently</li> </ul>	<ul style="list-style-type: none"> <li>• Support a state-wide registration and code of conduct</li> <li>• Want Councils to be able to regulate, but for the Queensland Government to hold the policy</li> <li>• Support a state-wide data sharing system with local governments</li> </ul>

## 7.2.2 Detailed stakeholder themes

### Positive impact of SSA

Proponents of SSA interviewed by the Taskforce advocate that SSA provides an opportunity for ‘mum and dad’ operators to supplement their income, with many hit hard by COVID-19 and the cost of living crisis. The economic benefits to Brisbane have also been represented by several stakeholders. One submitter to the Taskforce quoted recent economic modelling by Oxford Economics that found that over a 12-month period to March 2023, guests who stayed in SSA spent \$682 million in the Brisbane region and contributed \$591 million to gross domestic product (GDP).<sup>57</sup> This spending also supported approximately 4,200 jobs in the region, many of which are in the tourism, retail or hospitality sectors.

In their survey of members,<sup>58</sup> ASTRA concluded that 93% of their member hosts use 5 or more suppliers to support their properties, with 80% local to their communities and all but 2% within Australia, reinforcing the contribution that SSA provides to the local, domestic and Australian Economy.

Other proponents of SSA spoke of the choice that SSA provides their guests, not only meeting a diverse range of accommodation needs (discussed further in chapter 8) but also serving the unique requirements of guests with children and/or pets, which traditional forms of holiday accommodation do not always cater for.

The role that SSA plays in supplementing the hotel industry, particularly during peak times and key events in Brisbane was also raised by several stakeholders.

### Impact on permanent residents

Interviews with bodies corporate and industry associations representing non-SSA apartment owners within residential buildings raise the following issues in relation to unhosted SSA and its impacts on long-term residents.

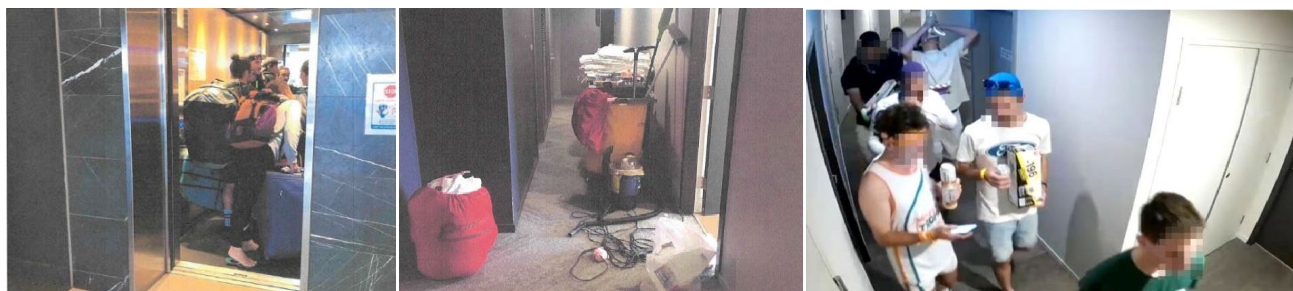
- Concerns about security.
- Overcrowding, particularly in foyers, lifts and in common property.
- Noise.
- Disruptive and anti-social behaviour (e.g. intoxication on common property, unruly parties, drug dealing, dangerous behaviour such as climbing on roofs and throwing furniture off balconies).

<sup>57</sup> Q Yu Chan, L Cordingley & D Goodger, ‘The Economic Impact of Airbnb in APAC’, *Oxford Economics*, 2023 (Prices in 2022 figures).

<sup>58</sup> ASTRA, ‘ASTRA Membership Survey Results’, 2023, pp. 1–11.

- Parties of 30–60 people held in common areas (pools and BBQ areas) with non-guests invited.
- Damage to common property including lifts, gates, foyers, hallways, etc. that bodies corporate have to pay to have repaired.
- Rubbish left in common areas.
- Parking in other owners' car spaces or occupying all available visitor spaces.
- Rising insurance costs.
- Cleaning carts left in hallways, blocking access.

The images below submitted to and sourced by the Taskforce provide some insights into the impact that SSA can have on permanent residents (see **Figure 1, 2 and 3**).



**Figure 1 & 2:** Evidence of residential impact of SSA. Source: Bodies corporate member of apartment within Brisbane submitted to the Taskforce.

**Figure 3:** Evidence of residential impact of SSA. Source: Courier Mail article 7 May 2023.<sup>59</sup>

The Taskforce has seen evidence provided by stakeholders that some insurers will not insure premises where it is leased to SSA.<sup>60</sup> Additionally, stakeholders have informed the Taskforce that insurances may be void if the SSA use is operating without appropriate approvals. This reportedly places additional burden on bodies corporate who may become the default insurer, or not insured at all, when unsanctioned SSA is occurring on common property. Additionally, under the BCCM Act,<sup>61</sup> there is currently no known ability for bodies corporate to apply differential levies to SSA apartment owners to cover increased insurance claims and higher costs of operating SSA.

Advocates for SSA confirm that there are operators within the SSA industry who do create problems for the neighbours through lack of professional management of their SSA properties. They consider the impacts within strata buildings can be well managed through rigorous guest vetting, noise monitoring, establishing and enforcing quiet hours and other measures such as on-call security. They are also in support of a 27/4 complaint hotline, a state-wide registration system, additional safety standards and an enforceable (with penalties and fines) code of conduct.

Both proponents and opponents of SSA interviewed by the Taskforce agree that further regulation of the industry is required which includes (at minimum) a state-wide registration system and code of conduct. In addition, in their survey of members conducted in November and December 2023,<sup>62</sup> ASTRA identified 69% of respondents support a state-wide registration system for hosted and non-hosted SSA and 91% of respondents supported a mandatory code of conduct.

<sup>59</sup> T Fellows, *Claims Brisbane City Council has ignored Shortstay Accommodation Complaints for Months*, Courier Mail, Brisbane City, 2023, <https://www.couriermail.com.au/news/brisbane-city/claims-brisbane-city-council-has-ignored-shortstay-accommodation-complaints-for-months/news-story/88cdcbbe9e93e71958a3a2a3554e5508#:~:text=Body%20corporate%20members%20of%20two,ignoring%20their%20complaints%20for%20months>

<sup>60</sup> Suncorp, 'Landlord Insurance Product Disclosure Statement (PDS)', *Suncorp Australia*, 2020, p. 31. (Effective 25 March 2021).

<sup>61</sup> *Body Corporate and Community Management Act 1997* (Qld) s194.

<sup>62</sup> ASTRA, 'ASTRA Membership Survey Results', 2023, pp. 1–11.

## **Selling of management rights**

The selling of management rights was raised as a significant issue by industry associations representing CTSs and bodies corporate. See section 6.3.4.2 for further details on how this legislative framework functions.

Stakeholders representing non-SSA apartment owners interviewed on behalf of the Taskforce cite that residential apartment owners, often who have bought off the plan, purchase on the basis they are investing in a residential building, based on marketing by the developer, the development application for 'multiple dwelling' and the classification of the building under the BCA as Class 2. The developers, as the original owner, can then sell the management rights under the Accommodation Module, which leads to SSA leasing within the building, without the knowledge of prospective purchasers.

## **Rights of bodies corporate to restrict SSA**

As already discussed within section 6.3.4, the BCCM Act prohibits bodies corporate from making by-laws that restrict the type of residential use of a lot if that lot may be lawfully used for residential purposes.<sup>63</sup> Representatives from bodies corporate interviewed by the Taskforce question whether SSA is a residential use and are seeking further rights within the BCCM Act for bodies corporate to restrict or limit SSA within their buildings, particularly for non-owner occupiers. Bodies corporate also raised concerns regarding the enforcement of by-laws, particularly when breached by rowdy and intoxicated guests.

The concept of amending the BCCM Act was also supported by one online booking agency who noted that allowing bodies corporate to pass a by-law limiting SSA for non-owner occupiers strikes the balance between allowing everyday people to share their homes, whilst also managing the use of second or other properties for STRA in a way that's fair and transparent for neighbours.<sup>64</sup>

## **Development approvals**

A development approval provides the overriding permission for what the approved building and land should be used for. Opponents for SSA argue that the change of use from residential to STA constitutes a Planning Act offence relating to non-compliance with a development approval. Within City Plan, applications for STA are accepted development within centre zones, not requiring a development approval.

Several developers have approached Council with requests that their residential developments be conditioned to prohibit SSA from occurring in their buildings. Council's obligation under the Planning Act is to set reasonable conditions relevant to the development and City Plan.<sup>65</sup> Under current legislation, Council cannot support these requests. See chapter 6 for further information.

## **Building classification**

Opponents of SSA advocate that SSA should only be occurring within Class 3 buildings and that Council should be enforcing any SSA activity that is occurring within Class 2 buildings (refer to section 6.3.1.2 for definitions of the building classifications). Whilst the Class 3 definition seems to meet the purpose for SSA, the use can also be argued to be a Class 2 activity, as the definition for Class 2 does not impose any timeframe by which the sole occupancy activity should be occurring. As discussed in section 6.3.2, the ABCB who are the policy owners of the NCC, have clarified their

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<sup>63</sup> *Body Corporate and Community Management Act 1997* (Qld) s180(3).

<sup>64</sup> Airbnb, written submission to the Short-Stay Accommodation Taskforce, 3 October 2023.

<sup>65</sup> *Planning Act 2016* (Qld) s65.

position and recommend that a decision should be made by an appropriate authority according to the perceived risks inherent in the use of the building.<sup>66</sup>

## Queensland Government response to SSA

On 6 February 2024, the Queensland Government DHLGPPW announced that they would conduct consultation and an analysis to introduce a registration scheme for STR properties like Airbnb. They will also continue to monitor the impact of SSA on the broader supply of LTRs and whether more interventions are needed. They advised they will not stand in the way of councils making STR policies that suit the needs of their communities.

Based on the Taskforce's interviews with stakeholders, the concept of a state-wide registration scheme would be welcomed by industry representatives. In addition, they also advocate for a state-wide code of conduct and consistent regulation across all LGAs within the state. This consistency across all LGAs could be achieved with a model local law, allowing local governments to opt-in as needed to address local issues. The Taskforce appreciates the industry's need for consistent regulatory rules, particularly for operators that operate across multiple jurisdictions.

### Key findings

- 7.1 The most frequent suburbs offering SSA and impacting neighbours by survey respondents were Brisbane City, South Brisbane, New Farm, Teneriffe, West End, Fortitude Valley and Bowen Hills.
- 7.2 36% of surveyed owners/managers operate an apartment, 22% operate a SSA dwelling house, 15% operate a room within an existing permanent residence, 14% operate a dwelling/granny flat, 4% operate a duplex and 9% operate a different form.
- 7.3 64% of impacted neighbours recognised they were impacted by an apartment, compared with 21% of respondents who identified that they were impacted by a SSA dwelling house.
- 7.4 60% of surveyed owners offer their property on a permanent basis (12 months a year).
- 7.5 51% of surveyed owners/managers have been operating SSA for 1–5 years, 26% 5+ years and 23% for less than a year.
- 7.6 94% of owners/managers operate 1–5 properties.
- 7.7 At least 80% of respondents who identified as an owner/manager have some sort of measure in place to control the impacts of SSA whether that be booking rules, clear instructions, car parking restrictions, noise mitigation measures or security arrangements.
- 7.8 83% of guests surveyed have not had any significant experiences with SSA neighbours.
- 7.9 87% of surveyed building managers or members of bodies corporate currently do not have by-laws in place that regulate or prohibit the operation of SSA, compared to 13% who do.
- 7.10 'Impact on long-term rental market' was identified as a key theme in 4 of the 6 interest groups.
- 7.11 Industry associations representing SSA operators state that impacts within strata buildings can be well managed through rigorous guest vetting, noise monitoring, establishing and enforcing quiet hours and other measures such as on-call security.

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<sup>66</sup> Australian Building Codes Board, *Part A6 Building Classification*, National Construction Code, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-two/a-governing-requirements/part-a6-building-classification>

- 7.12 The surveyed owners/managers of SSA properties are concerned about the uncertainty of future legislative changes and impacts including permits, registration and further rates increases.
- 7.13 Stakeholders interviewed representing SSA operators, online booking platforms and those representing bodies corporate and neighbours agreed that more regulation is required.
- 7.14 There is a general opinion from operators of SSA and their industry associations that a state-wide code of conduct is warranted.
- 7.15 There was an announcement on 6 February 2024 that the Queensland Government DHLGPPW will introduce a registration scheme for STR properties.

### **Possible solutions**

- 7.1 Council advocates to the Queensland Government to:
  - a) amend the BCCM Act to allow bodies corporate to pass a by-law prohibiting or restricting SSA for non-owner occupiers
  - b) introduce a state-wide register of SSA properties, that is shared with local governments. The register should comprise data that is validated and of a quality that is fit for regulatory purposes
  - c) introduce a state-wide code of conduct to establish behavioural obligations across the SSA industry
  - d) review the BCCM Act in relation to Regulation Modules to improve consumer confidence
  - e) create a model local law which may be utilised by other Queensland local governments.
- 7.2 That Council consider introducing a new local law that seeks to better regulate SSA activities that fall outside of the scope of land use impacts. The local law should seek to:
  - a) increase accountability of SSA operators
  - b) address the amenity impacts of SSA
  - c) apply appropriate penalties and enforcement, through prescribing offences
  - d) create a reliable data source.

## 8. Status of short-stay accommodation in Brisbane

This chapter will explore the status of SSA in Brisbane using a range of data sets available. In addition to exploring demographic information about the users of this form of accommodation, SSA will be explored in the context of the housing, population, tourism and hotel markets within Brisbane. The Taskforce engaged the Council's Economic Development Team to provide an analysis of this information. Other data sets held by Council, such as complaint and customer information will also be explored.

### 8.1 SSA listing information

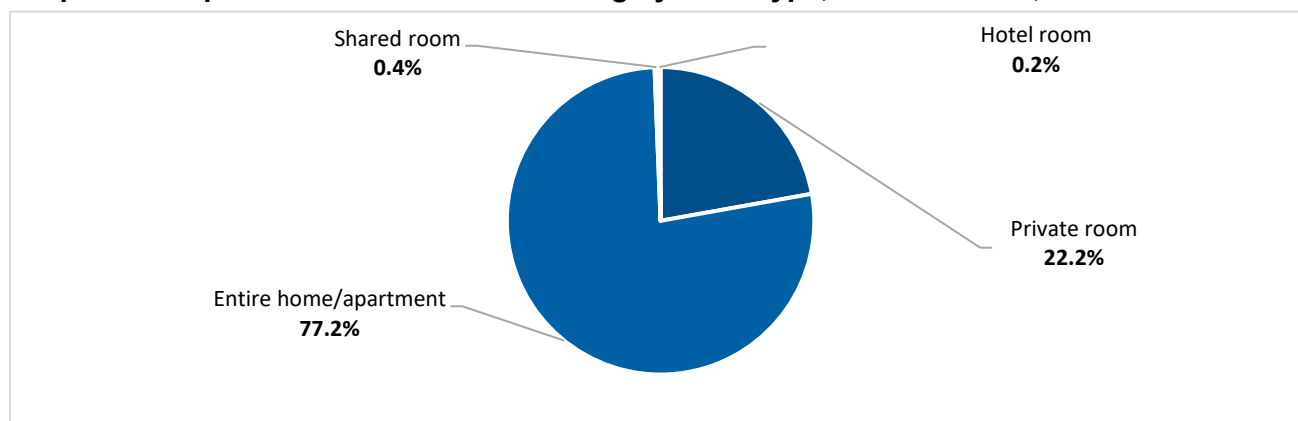
As discussed in chapter 5, Airbnb listing data has been sourced from Inside Airbnb. This data has included information on the number of properties and individual room types that have been listed on the Airbnb platform within the Brisbane LGA. This data has been collected directly from the Airbnb website over an extended period (dating back to April 2016) through a process known as 'scraping'. Some of the key information that has been captured includes, but is not limited to:

- **property type:** the general dwelling type the listing relates to, whether that be an entire home listing or a room booking (e.g. house, apartment, townhouse, cabin, boat, etc.)
- **room type:** the type of booking the listing is advertising (e.g. entire home/apartment, hotel room, private room, shared room)
- **availability:** the number of days the listing is vacant and available to be booked over the next 30, 60, 90 and 365 days
- **location (i.e. latitude and longitude):** the location of the listing (as advertised on the public Airbnb platform).

**Appendix B** details the data limitations and cleansing and processing methodology applied for the purposes of this research to best approximate the July 2023 active Airbnb listings in the Brisbane LGA. Based on the specific data cleansing methodology applied for the purposes of this economic analysis, it was found that there were approximately 3,500 entries that were identified to be unique, active Airbnb listings contained within the Brisbane LGA.<sup>67</sup> These listings were either available to be booked or booked for at least one day within the 90 days following July 2023.

**Graph 18** summarises the mix of active Airbnb listings within the Brisbane LGA by room type. In terms of the July 2023 mix of active Airbnb listings across the Brisbane LGA, it is approximated that 77.2% of these listings are 'entire homes/apartments', whilst 22.2% are 'private rooms'. The remaining 0.6% of active Airbnb listings are then comprised of both 'shared rooms' and 'hotel rooms'.

**Graph 18: Proportion of active Airbnb listing by room type, Brisbane LGA, 2023**



Source: Airbnb Queensland Brisbane Listings Dataset, Inside Airbnb, Short-Stay Accommodation Taskforce.

<sup>67</sup> These listing numbers were calculated in February 2024 and filtered to include listings on the Airbnb website from July 2023 and used for the purpose of this SSA market analysis. Listing numbers may differ elsewhere in this report, depending on when the information was extracted.



## Listings for all room types

**Figure 4** below illustrates the counts of the active Airbnb listings for 'all room types' in July 2023. This data has been spatialised for the SA2s within the Brisbane LGA.

As per the geographical representation presented below, it is noted that there is a clear distinction between the volume of Airbnb listings in the inner-city region, compared to the outer regions of the Brisbane LGA. There is a higher volume of listings located in the inner-city SA2s such as Brisbane City, South Brisbane and Fortitude Valley. These urban areas in the inner-city are typically a common destination for both domestic overnight and international travellers visiting the region and are potentially offering an attractive option for property owners to maximise their returns by renting out their properties as SSA to tourists and holiday-goers to complement traditional tourism amenities in place (e.g. hotels).

Conversely, in general there is a much lower concentration of Airbnb listings located in the outer regions of the Brisbane LGA, which are typically characterised as suburban areas and neighbourhoods, that generally observe a lower volume of visitor activity. The exception to this has been the Moreton Island SA2, which contained an elevated volume of Airbnb listings compared to other SA2 regions across the LGA, potentially indicative of their attractiveness as a coastal tourism location.

## Listings for entire homes/apartments

'Entire home/apartment' listings accounted for more than three-quarters of all active Airbnb listings in the Brisbane LGA in July 2023. **Figure 5** below illustrates the volume of active Airbnb listings that were identified to be 'entire home/apartment' listings, plotted by their SA2 location to assist in understanding key concentrations of these listing types across the region.

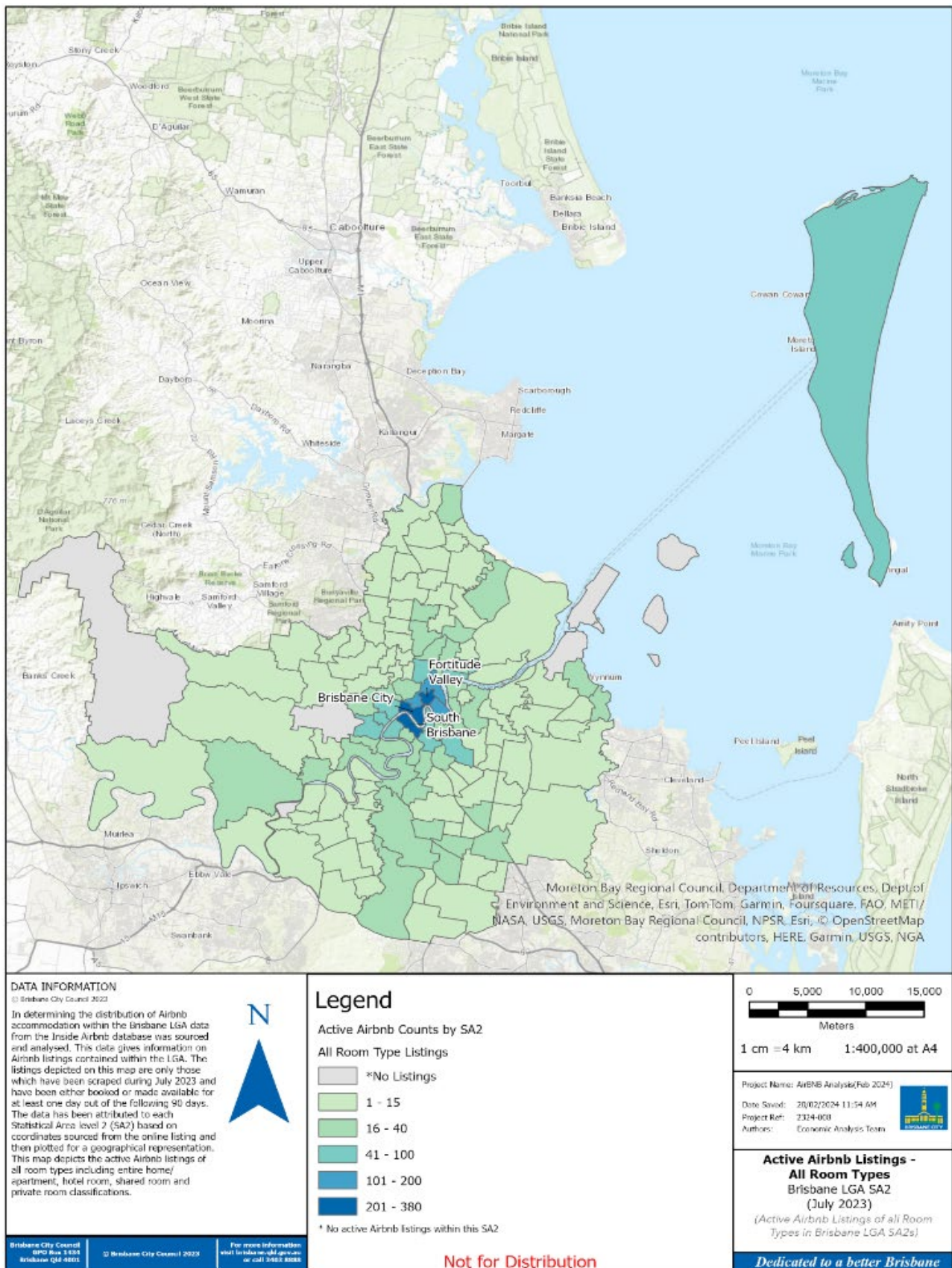
It is again noted that there is a clear distinction between the volume of Airbnb listings in the inner-city region, compared to the outer regions of the Brisbane LGA. Similar to the analysis performed over 'all room types', there is a greater volume of 'entire home/apartment' listings in inner-city regions compared with the outer regions of the LGA. Areas such as Brisbane City, Fortitude Valley and South Brisbane SA2s possess the highest volume of these Airbnb listings across the Brisbane LGA. Conversely, in general, there is a much lower concentration of 'entire home/apartment' listings located in the outer regions of the Brisbane LGA. The exception to this has been the Moreton Island SA2, which contained an elevated volume of Airbnb listings potentially indicative of its attractiveness as a tourist location for both domestic and international visitors.

## Listings for private rooms

'Private room' listings accounted for just less than one-quarter of all active Airbnb listings in the Brisbane LGA in July 2023. **Figure 6** below illustrates the volume of active Airbnb listings that were identified to be 'private room' listings by SA2 location. It is again noted that there is a clear concentration of active 'private room' listings in the inner-city region. In particular, SA2s such as Brisbane City, Spring Hill, Kangaroo Point and West End all possessed the highest volume of these listing types across the Brisbane LGA.

Generally, there appears to be a much lower volume of 'private room' listings located in the outer regions of the Brisbane LGA, although it is noted that there are some SA2s that provide an exception to this trend. In particular, there is a substantial volume of these listing types in the southern region of the Brisbane LGA, around the Sunnybank SA2. Typically, 'private room' listings have been a way for property owners to earn extra income by renting out space in their own residential dwellings. On this basis, the increased volume of these listing types in some of these areas may be indicative of a favourability among these communities of sharing their own living spaces as a way to generate an income stream, more so than may be expected of communities in the inner city.

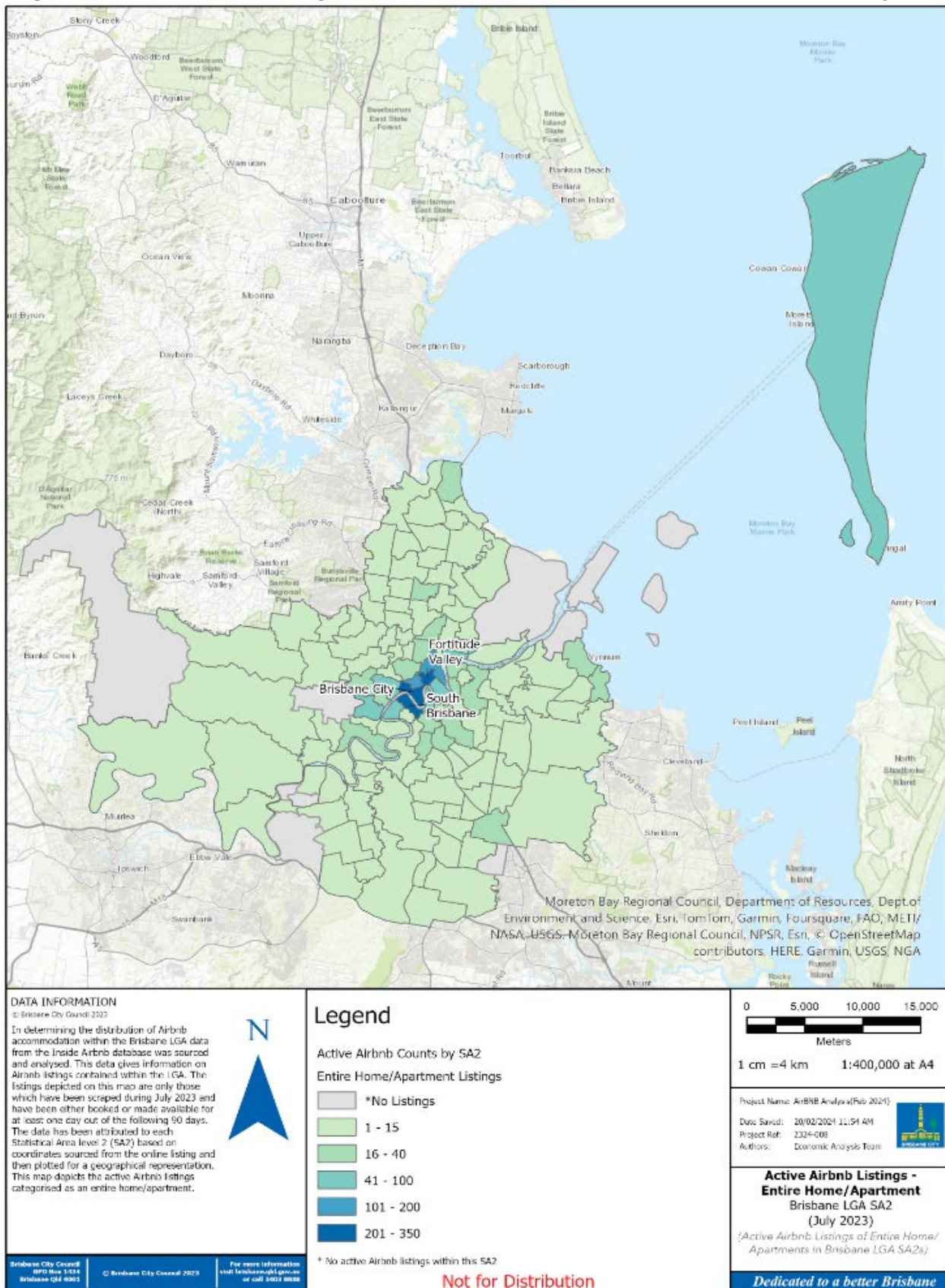
**Figure 4: Active Airbnb listings (all room types), Brisbane LGA SA2, July 2023**



Source: Airbnb Queensland Brisbane Listings Dataset, Inside Airbnb, Short-Stay Accommodation Taskforce.

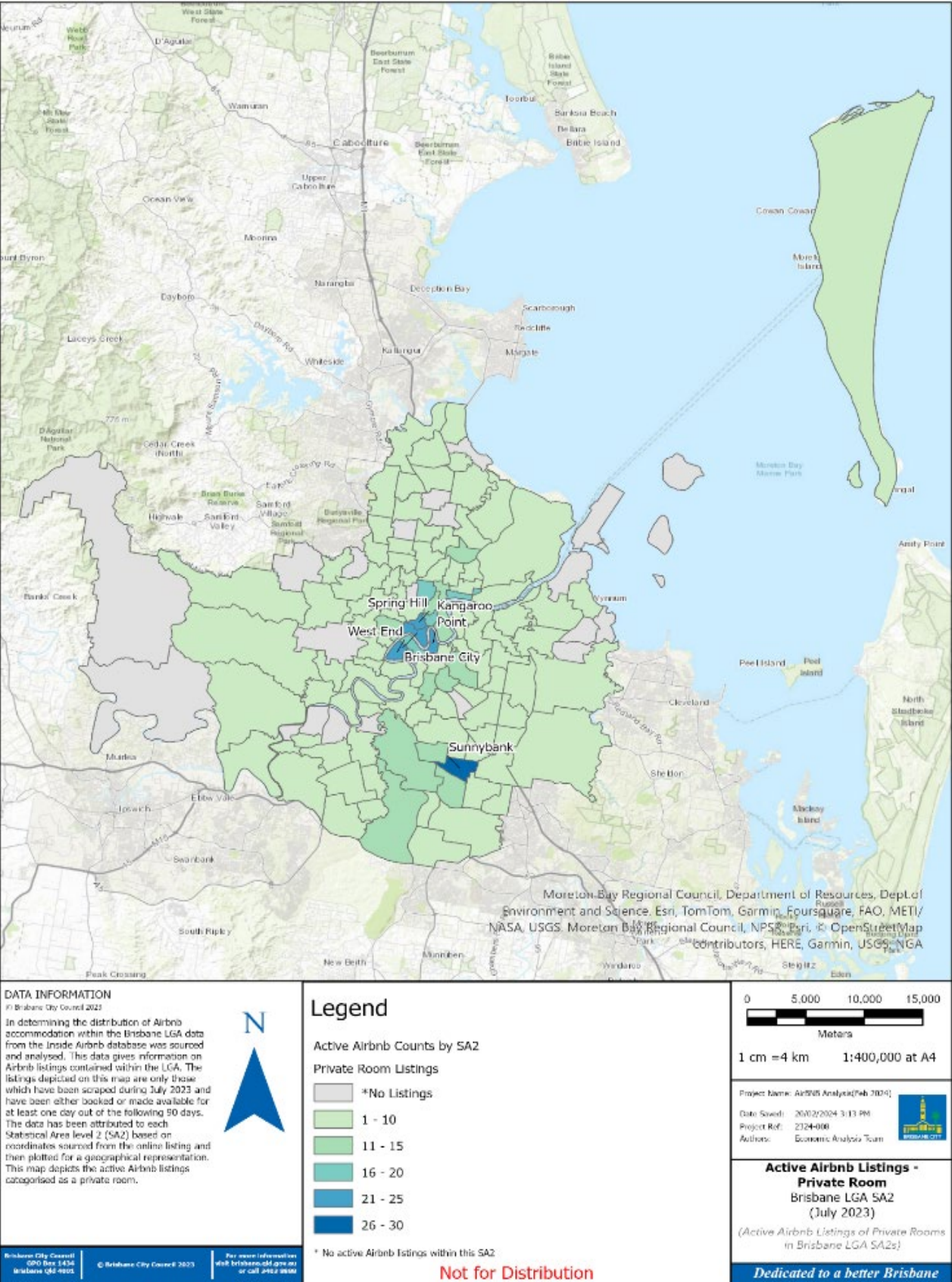


**Figure 5: Active Airbnb listings (entire homes/apartments), Brisbane LGA SA2, July 2023**



Source: Airbnb Queensland Brisbane Listings Dataset, Inside Airbnb, Short-Stay Accommodation Taskforce.

Figure 6: Active Airbnb listings (private rooms), Brisbane LGA SA2, July 2023



Source: Airbnb Queensland Brisbane Listings Dataset, Inside Airbnb, Short-Stay Accommodation Taskforce.



**Table 4** examines the change in SSA listing numbers and room types from April 2016 to July 2023. SSA listing numbers peaked in July 2019, prior to COVID-19. Whilst listing numbers in July 2023 are yet to meet this level, there has been an increase in the proportion of entire home/apartments on offer compared to previous years.

**Table 4: Brisbane LGA Airbnb listings April 2016–July 2023**

Airbnb website scrape date	Entire home/apartment listings	Hotel room listings	Shared room listings	Private room listings	Total active Airbnb listings in the Brisbane LGA
July 2023	2,699	8	14	776	3,497
July 2022	1,942	12	19	579	2,552
July 2021	1,920	19	23	762	2,724
July 2020	2,068	0	26	993	3,087
July 2019	2,379	0	38	1,393	3,810
June 2018*	2,095	0	50	1,443	3,588
April 2017*	501	0	37	430	968
April 2016*	730	0	670	16	1,416

Source: Airbnb Queensland Brisbane Listings Dataset, Inside Airbnb, Short-Stay Accommodation Taskforce.

\*No scrape data available for July in these years so the next closest month is used.

## 8.2 SSA host profile

In their 2018 research,<sup>68</sup> AHURI conducted an online survey of 491 hosts and interviewed 50 hosts based in Sydney and Melbourne to determine their motivation for listing in the short-stay market rather than the LTR market. The 3 main reasons that drove their decision to choose SSA over LTRs were:

- the returns were better than LTRs
- Airbnb provided more flexibility in how they used the property
- they felt SSA caused less wear and tear on the property.

This feedback is consistent with the Taskforce's own online survey results and interviews conducted with stakeholders as discussed in chapter 7.

AHURI also found that hosts were spread across all age ranges, with the largest group in the 24–34 age range. Hosts typically had equal to above median household income levels.

Inside Airbnb also provides top host information<sup>69</sup> with 46 hosts in Brisbane listing 9 or more properties available for SSA.

## 8.3 SSA guest profile

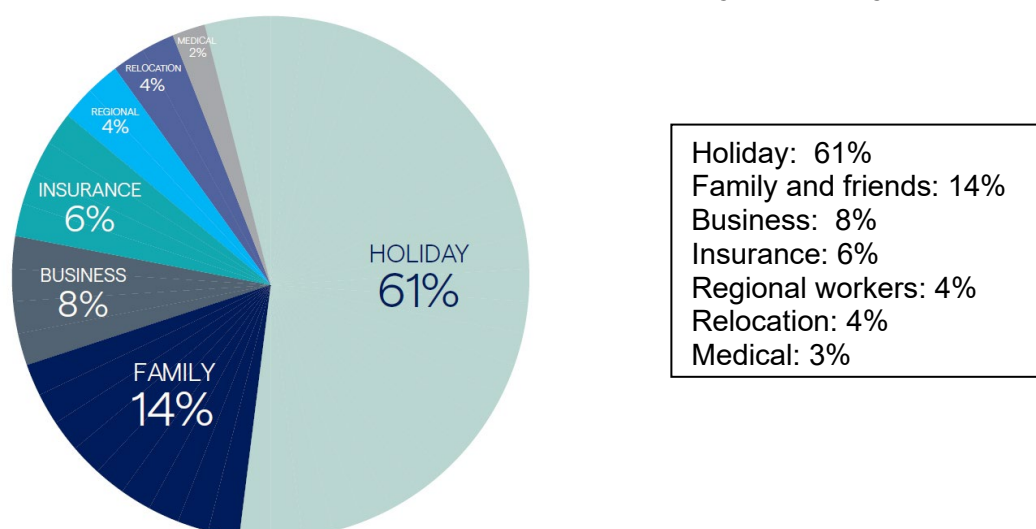
During interviews with operators of SSA, it was reported that not just tourists use SSA. The Taskforce enlisted the assistance of ASTRA to provide data to support this claim. ASTRA conducted a national membership survey<sup>70</sup> during November–December 2023 (12% of respondents were from Queensland). This survey reveals that whilst holiday is the predominate use at 61%, there are a variety of other non-holiday uses for many lifestyle needs that make up the remaining 39% (see **Graph 19**).

<sup>68</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 1-74.

<sup>69</sup> Inside Airbnb, *Brisbane*, 2024, <http://insideairbnb.com/brisbane/>

<sup>70</sup> ASTRA, 'ASTRA membership survey results', 2023, pp. 1–11.

**Graph 19: ASTRA membership survey results 2023: Types of stays**



Source: ASTRA membership survey November–December 2023.

In addition, the ASTRA membership survey revealed that 90% of guests are from within Australia with almost 70% of guests coming from within the state of the SSA property. Specifically, 15% are local, 52% are within the state, 23% are from interstate and 10% are from overseas.

#### 8.4 Council complaints and customer information

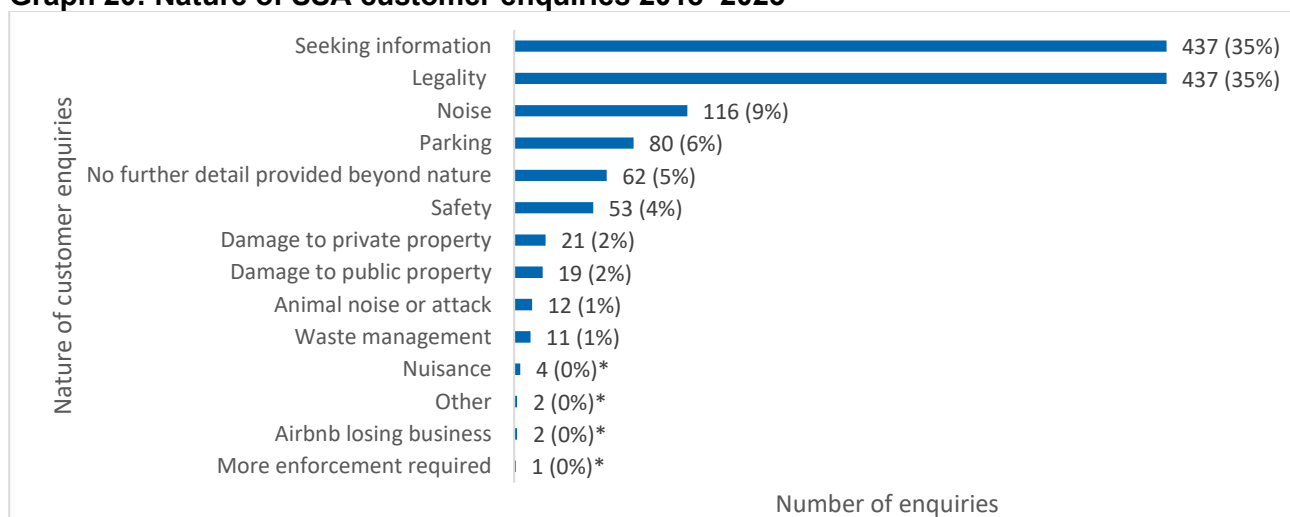
Council has received 1,257 complaints and advice requests relating to SSA since 2018 to August 2023. Some predominant issues have been identified such as excessive noise from guests, damage to communal property, lifts, lobbies and pool areas, lack of parking availability and incorrect approvals perceived to be in place. Furthermore, many of these complaints and advice requests are made against sites in centre zones, where SSA is lawful under City Plan without requiring a development permit. Of the 1,257, the most predominant locations of SSA complaints received by Council, by suburb were South Brisbane (17%), Kangaroo Point (13%), Teneriffe (12%), New Farm (11%) and Brisbane City (10%).

**Graph 20** outlines the nature of customer contact over the above 5-year period with Council relating to SSA. The most common enquiries related to ‘seeking information’ about SSA and questioning the ‘legality’ of existing activity. Of the customers seeking information, 77% were seeking information for the purpose of establishing whether or not they were able to conduct SSA *themselves*. This speaks to an increasing market of people wanting to establish SSA businesses within Brisbane and also speaks to general public confusion surrounding current legislative requirements and parameters. Other enquiries related to rating categories (both regarding the customer enquiring about their own rating requirements, as well as those of their neighbours), whilst the majority of other information sought related to other residential functions that might be impacted by SSA.

For those customers enquiring about the legality of SSA, 97% of these 437 customers were seeking to understand the legal landscape within which SSA operates, with a particular focus on understanding whether someone *e/se* was lawfully able to conduct the activity. This enquiry differs from a complaint, in that the customer was seeking advice in the first instance, without seeking to progress down a path involving compliance action.



**Graph 20: Nature of SSA customer enquiries 2018–2023**

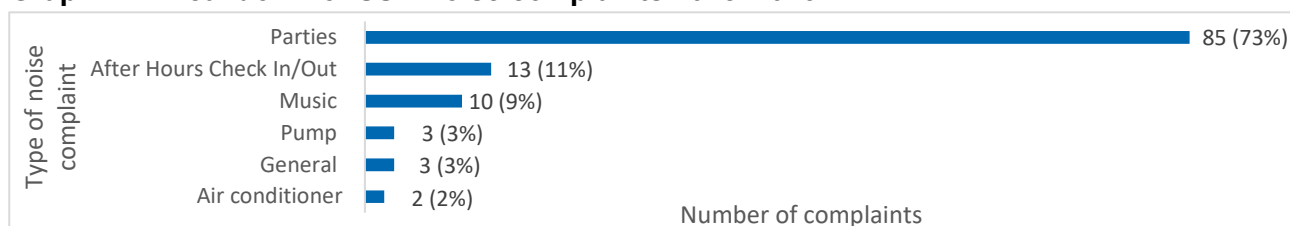


Source: Brisbane City Council customer data 2018–2023 (n=1,257).

\*Rounding to eliminate decimal points resulted in a 0% value – these values are actually 0.3, 0.2, 0.2 and 0.1 respectively.

**Graph 21** provides a breakdown of the nature of customer contacts regarding noise. Customers from this group sought to formally lodge a complaint, with a hope that compliance action would resolve the noise concern that they raised. 73% of the 116 complaints within this category were concerned with parties and associated noise from either loud music, loud conversation or both. 9% of customers in this category were concerned with loud music independent of a party occurring and 11% claimed to be disturbed by guests checking into their accommodation after daytime hours.

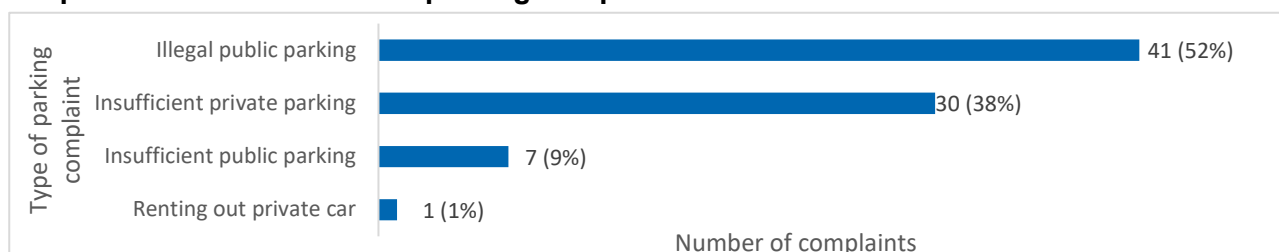
**Graph 21: Breakdown of SSA noise complaints 2018–2023**



Source: Brisbane City Council Customer data 2018–2023 (n=116).

Of the 79 customers who lodged complaints relating to parking, 52% related to 'illegal public parking', 9% related to 'insufficient public parking' and 38% relating to 'insufficient private parking' (see **Graph 22**).

**Graph 22: Breakdown of SSA parking complaints 2018–2023**



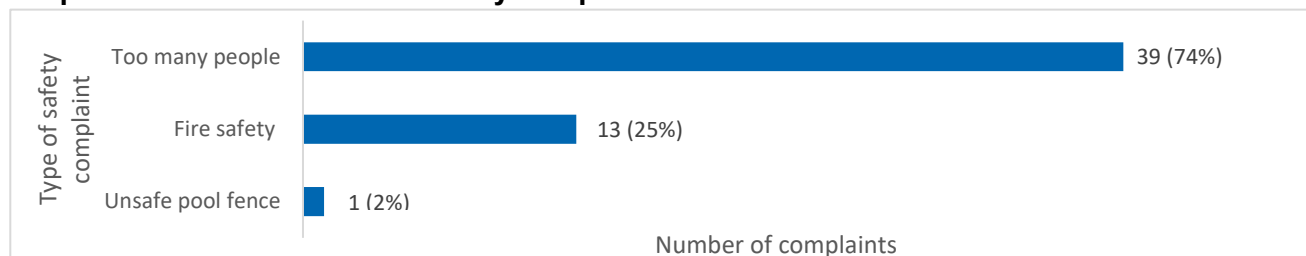
Source: Brisbane City Council Customer data 2018–2023 (n=79).

Many of the complaints regarding parking on private property related to SSA guests occupying too much of the private parking provided onsite (typically in apartment buildings). This indicates a perception that development approved for 'multiple dwellings' does not provide sufficient parking if the use is then changed to STA as defined in City Plan. Complaints relating to public parking generally concerned inappropriate street parking, through lawful but excessive occupation of street

parking spaces and/or through unlawfully parked vehicles (common complaints related to vehicles blocking driveways, parking on yellow lines or parking on the verge).

Of the 53 customers raising issues of safety, 74% raised complaints of 'too many people' and 24% nominated 'fire safety' as the key concern (see **Graph 23**).

**Graph 23: Breakdown of SSA safety complaints**



Source: Brisbane City Council customer data 2018–2023 (n=53).

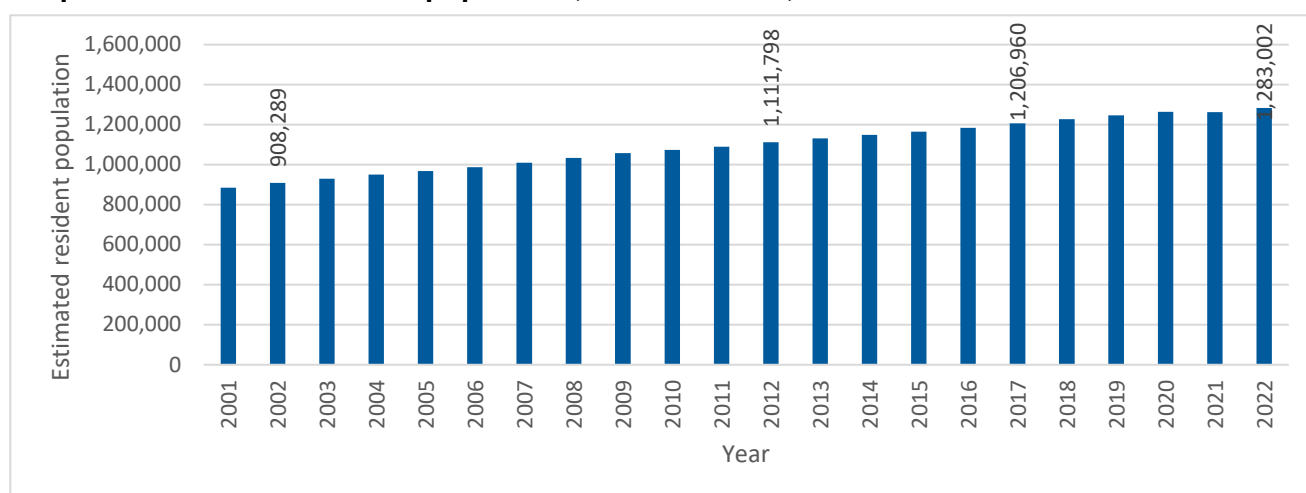
These 2 factors correlated in some ways, if not directly, in that more concerns pertained to too many guests being present at the premises, often relating this factor with fire and evacuation risks. Most commonly, concerns related to too many guests being accommodation in the SSA or too many guests congregating in a communal space in a CTS. This also caused behavioural safety concerns.

## 8.5 Overview of Brisbane population

### 8.5.1 Brisbane LGA population growth

Population data sourced from the Australian Bureau of Statistics (ABS) illustrates that Brisbane's population surpassed one million residents in 2007 and increased to 1,283,002 persons in 2022. **Graph 24** illustrates the estimated resident population for the Brisbane LGA from 2001 to 2022.

**Graph 24: Estimated resident population, Brisbane LGA, 2001 to 2022**



Source: Australian Bureau of Statistics, Regional Population.

Brisbane's population grew from 2021 to 2022, with the overall growth concentrated in central areas of the city. Pallara - Willawong SA2 recorded the largest annual increase in population (by number), reflective of increased residential development in this corridor. South Brisbane, Newstead - Bowen Hills and Brisbane City SA2s also experienced an increase in population of more than 700 persons. Population growth in the top SA2s in Brisbane LGA from 2021 to 2022 is summarised below.

- Pallara – Willawong: 19% increase.
- South Brisbane: 6% increase.
- Newstead - Bowen Hills: 5% increase.
- Brisbane City: 5% increase.

- West End: 4% increase.
- Rochedale – Burbank: 6% increase.
- Fortitude Valley: 6% increase.
- Kangaroo Point: 6% increase.
- Forest Lake – Doolandella: 2% increase.
- Spring Hill: 7% increase.

In terms of internal migration (migration from elsewhere in Australia) to the Brisbane LGA region, some of the SA2s that have traditionally attracted the greatest number of new residents have included inner-city areas, such as Newstead - Bowen Hills, South Brisbane and West End. Similarly, there were also several SA2s in the outer regions of the Brisbane LGA that have experienced high rates of internal migration, largely driven by new residential development and shifting housing priorities that saw many people continuing to adapt to remote working arrangements, allowing them to live further from the city centre. This has included localities such as Pallara - Willawong and Rochedale - Burbank SA2s.

Furthermore, many of the SA2 regions in the Brisbane LGA that have traditionally attracted the greatest number of overseas migrants<sup>71</sup> have been in locations in and around the inner-city that are in close proximity to university campuses (such as the University of Queensland, the Queensland University of Technology and Griffith University). This trend highlights the significant contribution that international students attribute towards overseas migration to the Brisbane region. There have also historically been large concentrations of overseas migrants moving to the central southern regions of the Brisbane LGA, possibly due to the attraction of established, multicultural communities in these areas.

## 8.6 Overview of Brisbane housing market

### 8.6.1 Brisbane's housing stock

Data collected from the 2021 Census of Population and Housing<sup>72</sup> reported that within the Brisbane LGA as of August 2021, there were 519,431 dwellings. This includes both occupied and non-occupied private dwellings, as well as any non-private dwellings (i.e. establishments which provide a communal type of accommodation such as boarding houses). Compared to the previous Census conducted in 2016, this was an increase from 464,327 dwellings (+55,104 dwellings or 11.9% increase).

For the Brisbane region as a whole, then, SSA represents less than 1%<sup>73</sup> of the housing stock available. This finding was also supported by the University of Queensland research conducted in 2023,<sup>74</sup> which concluded that SSA in Brisbane represented 0.4% of available dwellings. The University of Queensland research also examined the percentage of STRA in other jurisdictions such as Noosa, at 6.4%. This is also consistent with the recent analysis undertaken by Urbis for Airbnb, which stated that STRA has no consistent impact on housing affordability and that other factors are having more significant impacts.<sup>75</sup> According to their research, 1.7% of dwellings within Queensland

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<sup>71</sup> The Australian Bureau of Statistics estimates overseas migration based on a 12/16-month rule. For a person to have immigrated to Australia, the person must have stayed in Australia for a period of 12 out of 16 months. It is noted that the 12 months does not have to be continuous and is measure over a 16-month period.

<sup>72</sup> Australia Bureau of Statistics, *Census of Population and Housing*, ABS, Canberra, 2021.

<sup>73</sup> If using 3,497 as the number of listings.

<sup>74</sup> Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5–114.

<sup>75</sup> P Ventura, S Brosnan, K Newcombe, N Nikolic, J Williams, R Bondfield, T Swan & S Krslovic, 'Short-Term Rental Accommodation and Housing in Australia', *Urbis*, November 2023, pp. 5-124.

are currently utilised as non-hosted STRA.<sup>76</sup> The Urbis study also concludes that to effectively respond to the nation-wide housing affordability crisis, potential solutions must address the underlying systemic issues.

Per interviews with benchmarking partners (see chapter 9), challenges regarding available housing are being experienced, triggering the implementation of further measures, such as night caps and bans in low density residential areas. Whilst Brisbane has not yet met the thresholds that may indicate the need for such sanctions, Council should monitor this into the future.

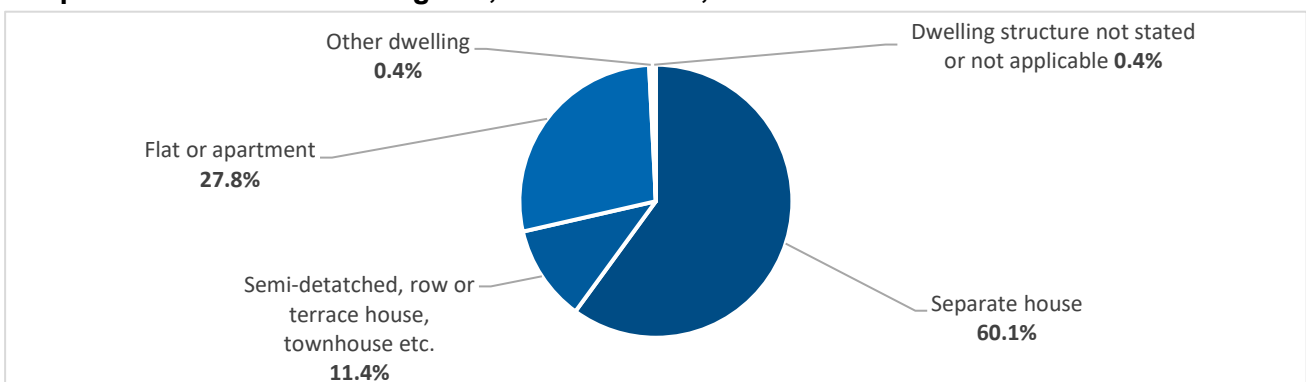
Of the 519,431 dwellings, it was also reported that 482,077 were occupied private dwellings (93%), with at least one person habiting the dwelling on Census night. The Census found 36,586 (7%) dwellings in the Brisbane LGA were classified as unoccupied private dwellings on Census night. These are considered to be structures that are built specifically for living purposes which are habitable but were unoccupied on Census night. Vacant houses, holiday homes, huts and cabins (other than seasonal workers' quarters) are counted as unoccupied private dwellings. Also included are newly completed dwellings not yet occupied, dwellings which are vacant because they are due for demolition or repair and dwellings to let.

When considering the volume of unoccupied private dwellings reported in 2021 it should also be considered that COVID-19 lockdown restrictions were in place throughout the Brisbane LGA at this time that significantly prevented travel and people movement. As a result, it is anticipated that this likely caused elevated accommodation and holiday rental vacancies.

### Dwelling mix

In terms of the dwelling mix across the Brisbane LGA, it was reported as of the 2021 Census that there were 312,029 'separate house' dwellings, comprising around 60% of the total dwelling stock. Furthermore, there were 144,548 'flat or apartment' dwellings and 58,994 'semi-detached, row or terrace house, townhouse' dwellings among the total stock. **Graph 25** summarises the mix of dwelling structures across the Brisbane LGA, as reported from the 2021 Census of Population and Housing.

**Graph 25: Brisbane's dwelling mix, Brisbane LGA, 2021 Census**



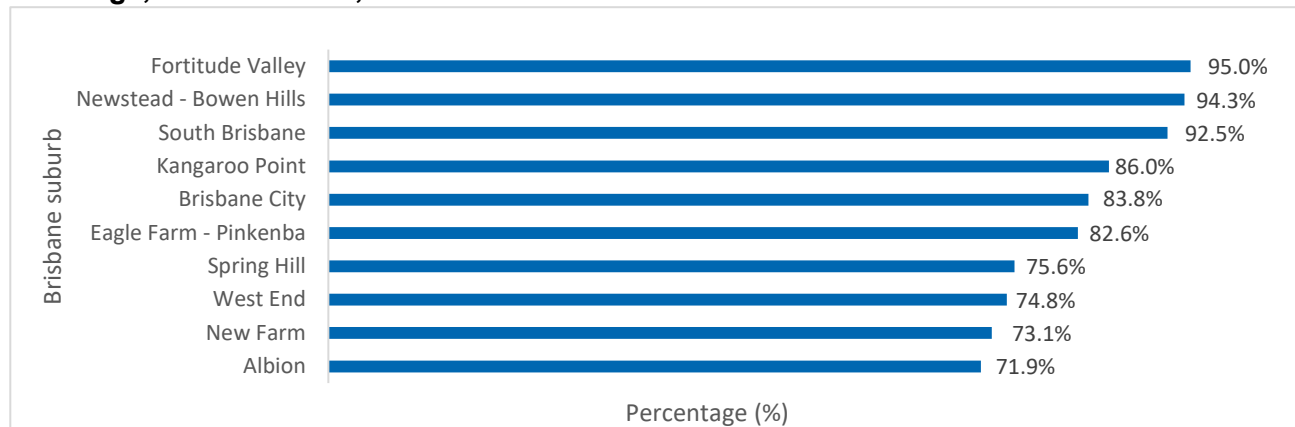
Source: Australian Bureau of Statistics Census of Population and Housing (2021), Brisbane City Council (Economic Development).

*\*Please note that ABS makes small random adjustments to all cell values to protect the confidentiality of data. These adjustments may cause the sum of rows (total dwellings of each structure type) to differ by a small amount from the reported total dwellings in the Brisbane LGA.*

<sup>76</sup> For the purposes of the Urbis analysis, all STRA properties listed as "Entire Home/ Apartment" were classified as non-hosted STRA, meaning that ancillary dwellings or secondary residences (i.e. granny flats) may be considered non-hosted in Airbnb's listing data, as they could represent entire, self-contained areas within a home. Therefore, their analysis likely overestimates the proportion of dwellings utilised as non-hosted STRA in Australia.

Further examination of dwelling structure by SA2 provides a contextual overview of the housing stock across the various regions that comprise the Brisbane LGA. It is noted that inner-city localities have a much greater concentration of ‘flat or apartment’ dwellings, reflecting the propensity for high density development in these areas. **Graph 26** identifies the 10 SA2 regions within the Brisbane LGA, with the highest concentration of ‘flat or apartment’ dwellings among the dwelling stock as of the 2021 Census. This information is verified by Council’s rates data which has been used to monitor the change in Brisbane dwelling types over time.

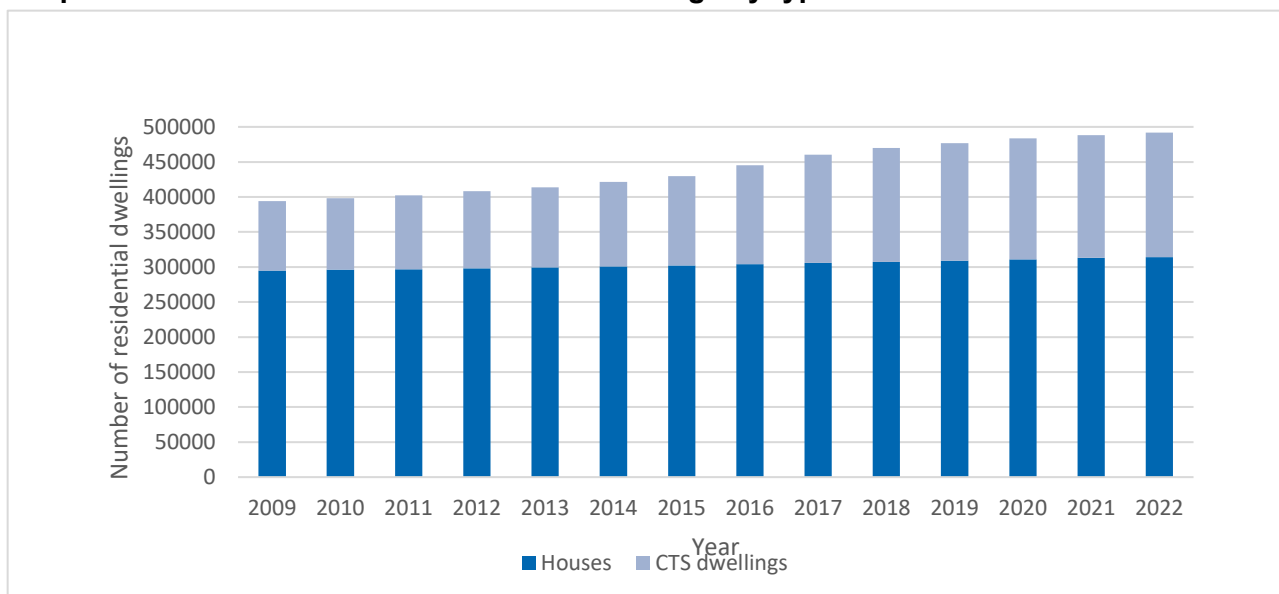
**Graph 26: Top 10 SA2s regions within the Brisbane LGA – Proportion of flat or apartment dwellings, Brisbane LGA, 2021**



Source: Australian Bureau of Statistics Census of Population and Housing (2021).

As seen in **Graph 27**, the number of houses in Brisbane has remained relatively steady since 2009, with the growth in dwellings being from apartments.

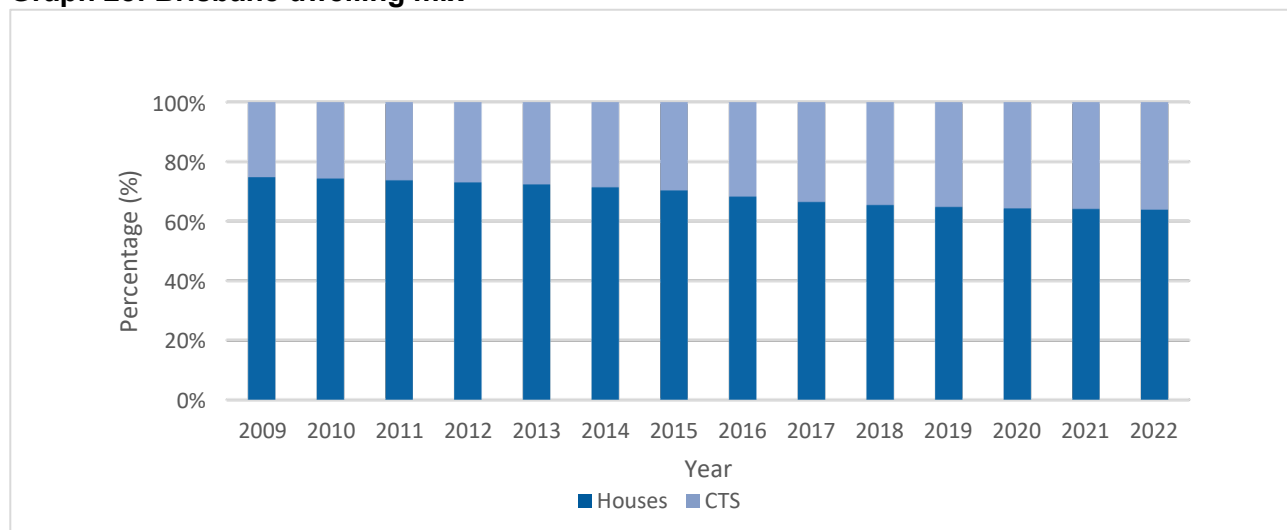
**Graph 27: Growth in Brisbane residential dwellings by type**



Source: Brisbane City Council rates data (2023).

**Graph 28** demonstrates that apartments now represent 36% of all dwelling types (up from 25% in 2009).

**Graph 28: Brisbane dwelling mix**



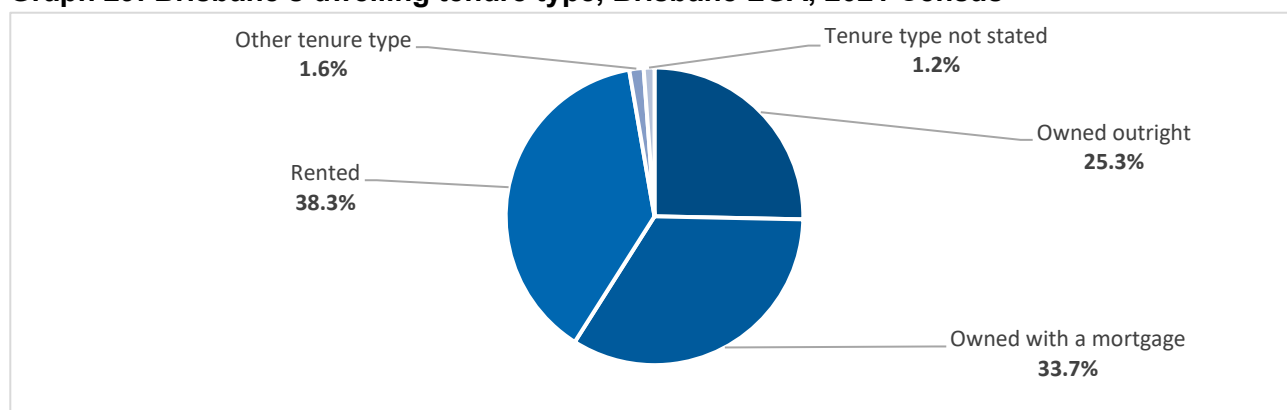
Source: Brisbane City Council rates data (2023).

### 8.6.2 Housing tenure in Brisbane

Within the Brisbane LGA, the 2021 Census of Population and Housing reported that there was a total of 465,124 occupied private dwellings across the Brisbane LGA, excluding 'visitors only' and 'other non-classifiable households'. Of this total, there were 117,793 (25.3%) dwellings that were owned outright and 156,632 (33.7%) that were owned with a mortgage. Together, this has indicated that as of the 2021 Census, there were 274,425 dwellings that were owned outright or with a mortgage, representing 59.8% of occupied private dwellings. Of the remaining privately occupied dwellings in the Brisbane LGA, it was reported that there were 178,014 dwellings that were being rented,<sup>77</sup> representing 38.3% of total occupied stock.

**Graph 29** summarises the mix of dwelling tenure types across the Brisbane LGA, as reported from the 2021 Census of Population and Housing excluding 'visitors only' and 'other non-classifiable households'.

**Graph 29: Brisbane's dwelling tenure type, Brisbane LGA, 2021 Census**



Source: Australian Bureau of Statistics Census of Population and Housing (2021), Brisbane City Council (Economic Development).

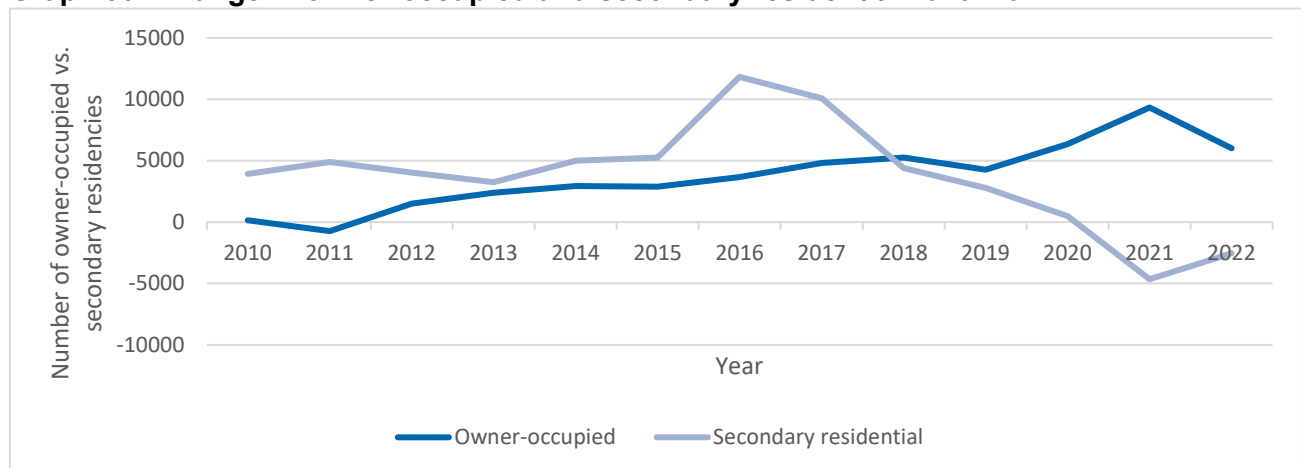
\*Please note that ABS makes small random adjustments all cell values to protect the confidentiality of data. These adjustments may cause the sum of rows (total occupied private dwellings of each tenure type) to differ by a small amount from the reported total occupied private dwellings in the Brisbane LGA.

<sup>77</sup> Total number of rented dwellings reported from 2021 Census excludes dwellings reported to be 'Occupied rent-free', Australia Bureau of Statistics, *Census of Population and Housing*, ABS, Canberra, 2021.



An examination of Brisbane's rates data monitors the change in owner-occupier dwellings and those available for rent as secondary residences. **Graph 30** below demonstrates the year-on-year increase or decrease of properties that were in the owner-occupied category versus the secondary residential category (investor owners). As can be seen, there was a decline in the ownership of secondary residential properties commencing in 2016, with a corresponding uptake in the owner-occupied dwellings since the same period, indicating that properties sold by investor owners during this period were purchased by new owner-occupiers, having the net effect of removing properties from the rental market. This position was accelerated between 2020–2021 most likely because of the internal migration to Brisbane which occurred in response to COVID-19.

**Graph 30: Change in owner-occupied and secondary residential 2010–2022**

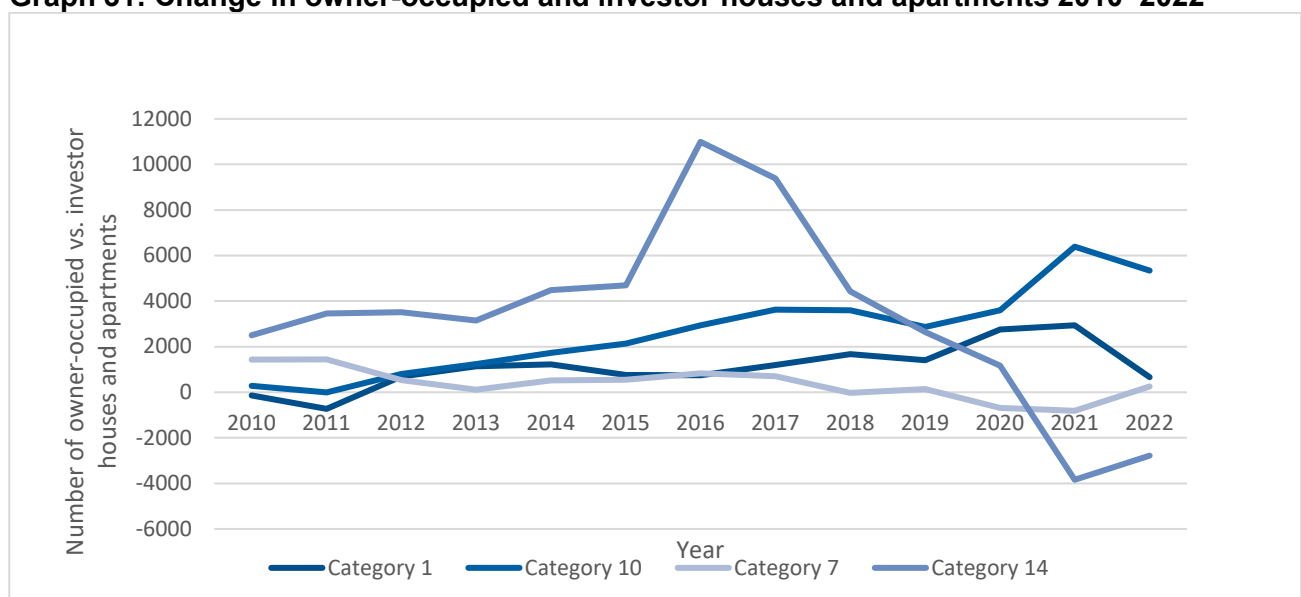


Source: Brisbane City Council rates data (2023).

Further breakdown of rating data (see **Graph 31**) demonstrates that the change in ownership from investor owners to owner occupiers was the greatest within apartment dwellings during the period 2016–2021 using the legend below.

- Category 1 – Owner occupied houses.
- Category 7 – Non-owner occupied (investor) houses.
- Category 10 – Owner occupied apartments.
- Category 14 – Non-owner occupied (investor) apartments.

**Graph 31: Change in owner-occupied and investor houses and apartments 2010–2022**



Source: Brisbane City Council rates data (2023).

In their 2023 Annual Member Survey<sup>78</sup> of 1724 residential property investors, PIPA identified that 12.1% of respondents sold at least one residential investment property in the past year. In terms of where the exodus is being most acutely felt, this survey shows investors are exiting the market rapidly in Melbourne (24.8%), Brisbane (23.3%) and regional Queensland (16.5%).

Of those investors exiting the market, their property was bought by another investor in just 24% of cases (down from 33% last year). Overwhelmingly, those rental homes were bought by existing homeowners (43.1%) or first-home buyers (30.3%).

Among the motivations for investors selling, the most common cited by 47% of respondents was governments increasing or threatening to increase taxes, duties and levies, making property a less attractive asset to hold. In addition, 43% of respondents cited changing tenancy legislation, impacting their control and increasing their compliance and holding costs. Both reasons outranked rapidly rising interest rates (40.1%) as a main pressure point. Other reasons for investors selling up in the past year were the threat of rental freezes (34.6%), a need to reduce total borrowings (33.1%) and positive selling market conditions (29.2%).

### 8.6.3 Rental vacancy rates

SQM Research reports monthly estimates of the total number of residential rental vacancies and the residential rental vacancy rates for various geographical areas across Australia.

Since the start of 2017, the number of vacant dwellings in Brisbane has been trending downwards, fuelled by factors like a booming housing market and high internal and overseas migration. The onset of COVID-19 then introduced a range of new market factors, which have continued to put downward pressure on the residential rental vacancy rate. Further, internal migration, as residents from other states moved to Queensland, fiscal stimulus measures provided to help sustain individuals, business and industry throughout COVID-19 and restrictions on the building and construction industry have all seen the residential rental vacancy rate continue to fall to historic lows.

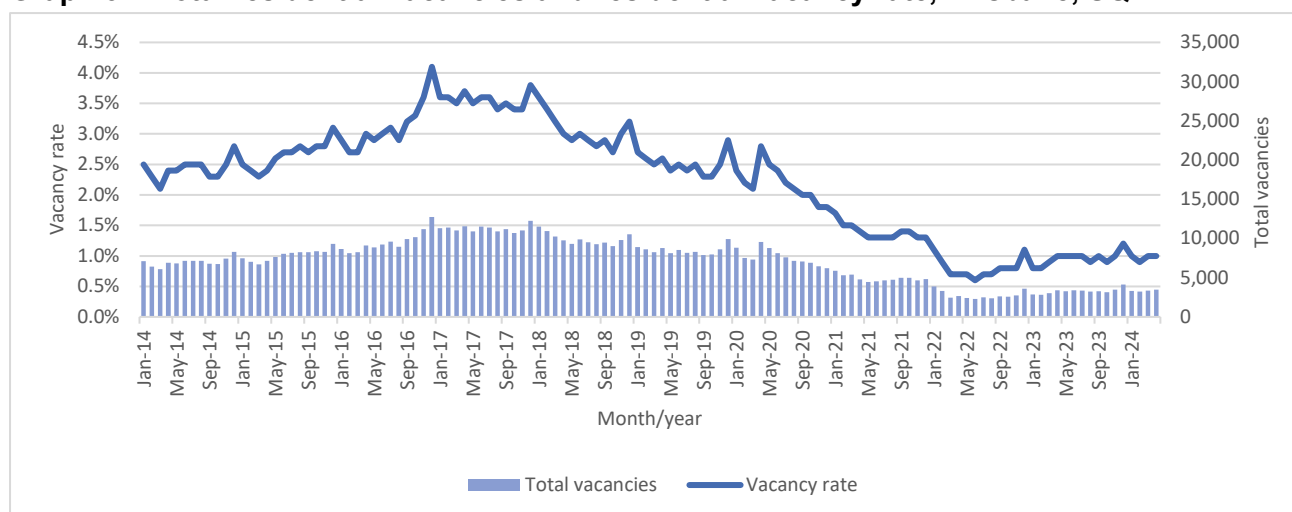
Many of these market factors that have developed over the past few years are not isolated to Brisbane and residential rental vacancy rates nation-wide have continued to contract. At the start of 2022, the city also experienced a major flood event which left many dwellings unliveable, forcing people out of their homes and in search of new residences. Following on from this event, residential rental vacancy rates reached 0.6% as of June 2022. Since this point the residential rental vacancy rate has risen slightly and as of June 2023, it was reported at 1%.

A low residential rental vacancy rate typically means there is a lack of supply to meet the demand. Generally, this can place upward pressure on prices for those looking to buy or rent properties, as it becomes more difficult for people to find available properties within the city to live. **Graph 32** illustrates the monthly volume of residential rental vacancies and the residential rental vacancy rate in Brisbane, as reported by SQM Research.

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<sup>78</sup> PIPA, 'PIPA Annual Investor Sentiment Survey 2023', *Property Investment Professionals of Australia*, 2023, pp. 3–17.

**Graph 32: Total residential vacancies and residential vacancy rate, Brisbane, SQM**



Source: SQM research residential rental vacancy rates (January 2014 – January 2024), Brisbane City Council (Economic Development).

The research by PIPA supports Council's rates data and provides additional insights for why the rental market is tightening in Brisbane. As discussed earlier, internal and overseas migration to Brisbane, especially post-COVID-19, has created a demand for residential properties. With SSA being less than 1% of the available residential market in Brisbane, with most of the demand being outside of the inner-city suburbs (where SSA is least common), this points to a supply issue, rather than SSA being the cause. This was also the finding of the University of Queensland research.<sup>79</sup>

## 8.7 Brisbane tourism market

The Australian Government, through Tourism Research Australia (TRA), has conducted the National Visitor Survey (NVS) on an ongoing basis to provide an official measure of travel by Australian residents. TRA also conducts the International Visitor Survey (IVS) to measure the contribution of international tourism to Australia's economy and to provide input into a modelling spend for its regions. Results are compiled and shared with Council for the Brisbane Tourism Region on a quarterly basis. In this circumstance, the Brisbane Tourism Region is defined by TRA as spanning as far north as Caboolture and as far south as Beechmont.<sup>80</sup>

Per the Towards Tourism 2032 report, an industry target has been implemented of \$44 million in overnight visitor expenditure per annum by 2032 (with an interim target of \$34 billion per annum by 2027).<sup>81</sup>

### 8.7.1 Domestic overnight visitors

**Graph 33** below illustrates the total number of domestic overnight visitors to the Brisbane region, as reported by TRA at year end. There were approximately 9.7 million domestic and international overnight travellers that visited the Brisbane Tourism Region in the 12 months up to and including December 2019 (before the onset of COVID-19).

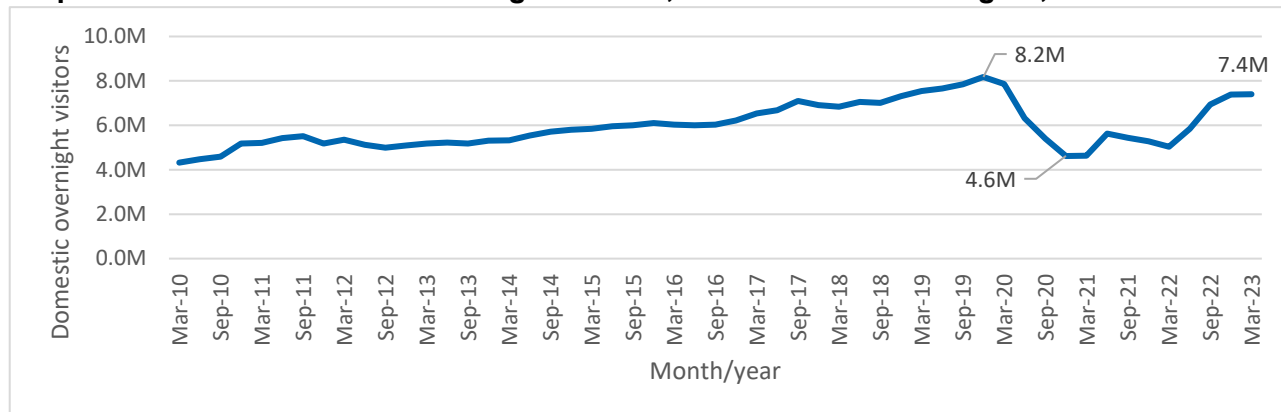
<sup>79</sup> Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5–114.

<sup>80</sup> Tourism Research Australia, 'Tourism Regions 2023 – Queensland', *Australian Trade and Investment Commission, Australian Government*, 2023.

<sup>81</sup> Queensland Government Department of Tourism, Innovation and Sport, *Towards Tourism 2032 Transforming Queensland's visitor economy future*, Queensland Government, 2022, [https://www.dts.qld.gov.au/data/assets/pdf\\_file/0003/1647120/22268-Towards-Tourism-2032-ONLINE-STRATEGY-v5-.pdf#page=5](https://www.dts.qld.gov.au/data/assets/pdf_file/0003/1647120/22268-Towards-Tourism-2032-ONLINE-STRATEGY-v5-.pdf#page=5)

Following this, domestic traveller activity experienced a sharp decline, reaching a minimum in the 2020 calendar year, with only 4.6 million travellers in the 12 months to December 2020 (almost half the previous year). Since this time, the number of domestic overnight visitors to the Brisbane region has continued to rebound. Based on the most recent data from TRA, there were approximately 7.4 million domestic overnight visitors to the Brisbane Tourism Region across the 12 months up to March 2023, representing approximately 90% of the pre-COVID-19 peak.

**Graph 33: Year end domestic overnight visitors, Brisbane Tourism Region, TRA**



Source: Tourism Research Australia (TRA), domestic overnight visitors, National Visitor Survey (NVS).

If the domestic visitation to the region continues to follow the trends that have been observed in recent times, it is possible that the Brisbane region could soon see the total number of domestic overnight visitors exceed pre-COVID-19 levels.

Further examination of domestic overnight visitation data by SA2 provides a contextual overview of the key destinations within the Brisbane region for domestic travellers. According to recent data published by TRA, it was identified that Brisbane City, Moreton Island, South Brisbane, Fortitude Valley and Chermside were some of the key destinations for domestic visitors to Brisbane for the year ending March 2023. However, the reason for visiting each of these destinations varied. Domestic overnight visitors to the Brisbane City, South Brisbane and Chermside SA2s visited the region for a range of reasons, including 'holidaying', 'visiting friends and relatives' and also for 'business'. Conversely, those travelling to the Moreton Island and Fortitude Valley SA2s largely visited for the purposes of a 'holiday'.

**Table 5** summarises the top 10 locations for domestic overnight visitors to Brisbane by SA2 and the reason for visiting for the year ending March 2023.

**Table 5: Top 10 SA2s for domestic overnight visitors, TRA, year ending March 2023**

SA2 name	Total no. of domestic overnight visitors (000)	Stopover reason for visiting SA2			
		Holiday	Visiting friends and relatives	Business	Other reason
Brisbane City	3,792	32%	30%	32%	6%
Moreton Island	123	100%	0%	0%	0%
South Brisbane	114	28%	30%	22%	20%
Fortitude Valley	91	61%	9%	27%	3%
Chermside	49	42%	24%	29%	5%
West End	40	6%	59%	15%	20%
Brisbane Airport	31	23%	10%	61%	0%
Hamilton	31	32%	28%	40%	0%
Woolloowin – Lutwyche	30	33%	21%	33%	14%
New Farm	30	32%	35%	25%	7%

Source: Tourism Research Australia (TRA), domestic overnight visitors, National Visitor Survey (NVS).

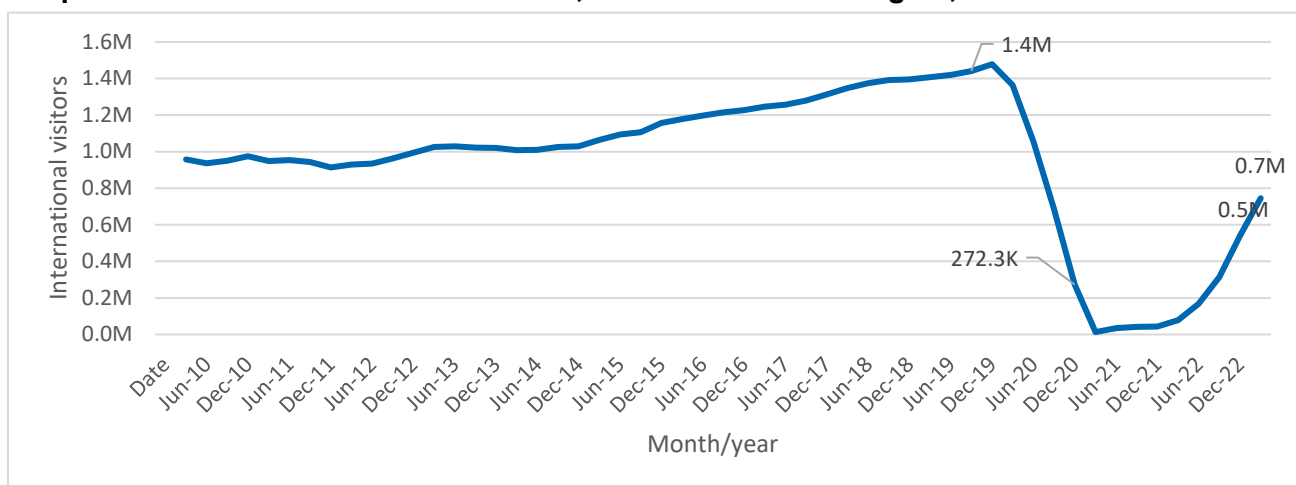
### 8.7.2 International visitors

The impact of COVID-19 on the international tourism and visitor economy was even more severe than that observed in the domestic market, as international borders were essentially closed.

In the 12 months up to and including December 2019, TRA reported that there were approximately 1.5 million international travellers that visited the Brisbane region. Following the onset of COVID-19 this annual figure fell rapidly, bottoming out to just 13,000 international visitors to the region in the year ending March 2021. Since this time, the number of international visitors to the Brisbane region has slowly been recovering. There were approximately 0.7 million international visitors to Brisbane across the 12 months up to March 2023.

**Graph 34** below, illustrates the total year end number of international visitors to the Brisbane region, as reported by TRA.

**Graph 34: Year end international visitors, Brisbane Tourism Region, TRA**



Source: Tourism Research Australia (TRA), international visitors, International Visitor Survey (IVS).

While recovery in the number of international travellers visiting the region has been steady, it is anticipated that as international airline operators continue to recommence flight routes, the number of visitors to the region will continue to climb. This brings huge potential for growth in the region's current visitor economy from the reinjection of international traveller expenditure and activity.

Further examination of international visitation data by SA2 provides a contextual overview of the key destinations within the Brisbane region for international travellers. The TRA data identified that Brisbane City, Brisbane Airport, South Brisbane, West End and Calamvale–Stretton were some of the key destinations for international visitors to Brisbane for the year ending March 2023. Across each of these key destinations for international visitors, the main reason for visiting was largely 'holidaying' or 'visiting friends and relatives'.

**Table 6** summarises the top 10 locations for international visitors to Brisbane by SA2 and the reason for visiting for the year ending March 2023.

**Table 6: Top 10 SA2s for international visitors, TRA, year ending March 2023**

SA2 Name	Total no. of international visitors (000)	Stopover reason for visiting SA2					
		Holiday	Visiting friends and relatives	Business	Employment	Education	Other reason
Brisbane City	357	44%	26%	17%	3%	7%	3%
Brisbane Airport	94	30%	31%	13%	7%	3%	17%
South Brisbane	21	27%	16%	23%	3%	30%	1%
West End	12	45%	43%	5%	3%	4%	0%
Calamvale - Stretton	11	37%	54%	4%	0%	4%	2%
Sunnybank	9	33%	56%	1%	1%	9%	0%
Fortitude Valley	9	36%	35%	14%	4%	6%	4%
Hamilton	7	50%	22%	18%	8%	3%	0%
Moreton Island	7	80%	10%	5%	2%	2%	0%
St Lucia	6	5%	60%	1%	0%	32%	3%

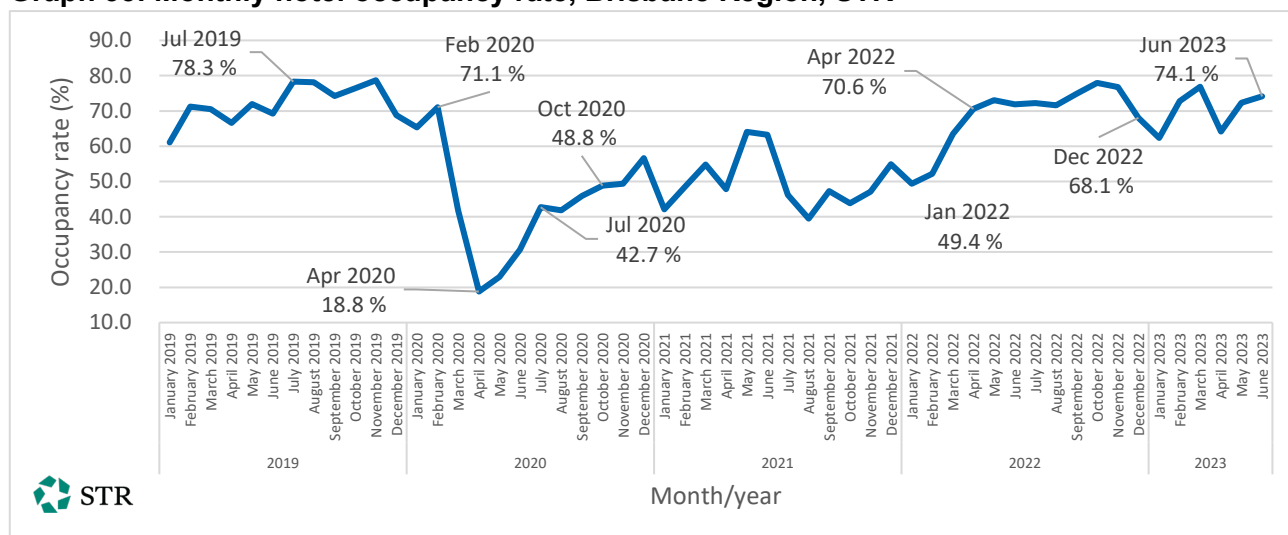
Source: Tourism Research Australia (TRA), international visitors, International Visitor Survey (IVS).

## 8.8 Brisbane hotel industry

STR (a division of CoStar Group, Inc) are a leading provider of information and analytics in the commercial and residential property markets, including hotels. The Taskforce has leveraged the data-sharing agreement that BEDA and Council have with STR, providing valuable data that can assist in quantifying the current and historical performance of the hotel industry in the Brisbane region.

### 8.8.1 Hotel occupancy rates

**Graph 35** below illustrates the monthly hotel occupancy rate within the Brisbane region, as reported by STR for the period of January 2019 to June 2023. The hotel occupancy rate has been calculated by dividing the number of rooms sold by rooms available (occupancy = rooms sold/rooms available).

**Graph 35: Monthly hotel occupancy rate, Brisbane Region, STR**

Source: STR, monthly hotel occupancy rate – Brisbane.

During 2019, before the onset of COVID-19, hotel occupancy rates in the Brisbane region were largely trending between 60-80%. As a result of travel restrictions and lock-down periods, hotel occupancy rates in the Brisbane region fell to approximately 19% in April 2020 and low throughout much of 2020 as the majority of the demand was being driven by mandatory hotel quarantine.



As the country began to emerge from COVID-19 in 2022 and both international and domestic travel restrictions were gradually lifted, hotel occupancy rates in the Brisbane LGA slowly recovered. The hotel occupancy rate in the Brisbane LGA for the year 2023 was reported at an average of 73.5%. In addition, key sporting, business and entertainment events such as the National Rugby League Magic Round and the Brisbane Truck Show have seen occupancy rates exceed 85%.<sup>82</sup>

Interviews with stakeholders revealed multiple considerations for the hotel market. BEDA have stated that “occupancy rates consistently above 75% are a benchmark for hotel investors signalling potential capacity within a capital city accommodation market. Other investor considerations include factors such as visitation trends and forecast growth as compared to existing room supply and the number of rooms in the pipeline forecast to come online.”<sup>83</sup>

Additionally, QHA also stated that “with the anticipated growth in usual tourism and corporate travel requirements, there will be a growing need for more accommodation to accommodate the major international events.”<sup>84</sup> QTIC has also recently completed consultation with regional tourist organisations, local tourist organisations and the events sectors and they advised that “all have come back saying that the overwhelming need is for more accommodation across all of Queensland. There is a significant shortage and certainly not enough to prepare for the Olympics and Paralympics”<sup>85</sup> (see section 8.9).

As the broader economy continues to move on from the disruptions caused by COVID-19, many anticipate that total visitation and tourism to the Brisbane region will continue to increase, continuing to add pressure to Brisbane’s hotel supply.

## 8.9 Brisbane 2032 Olympic and Paralympic Games

Brisbane will host the 35<sup>th</sup> Olympiad over 4 weeks in 2032, with the Olympic Games running from 23 July to 8 August 2032 and the Paralympic Games running from 24 August to 5 September 2032. It is anticipated that the event will result in an estimated \$4.6 billion in economic benefits from international tourism and trade for Queensland and that associated tourism, trade, operational and infrastructure expenditure will result in 91,600 full-time equivalent (FTE) jobs in Queensland over the 20-year evaluation period.<sup>86</sup>

The Queensland Government has committed to delivering games-ready venues and dedicated athlete villages to accommodate athletes and team officials. The villages will be located in Northshore Hamilton and Robina, complemented by satellite villages at the Sunshine Coast and Kooralbyn. After the games, some of these villages will become permanent residences.<sup>87</sup>

At present, one of the key objectives of the Games Delivery Partners is establishing high quality public transport options for all attendees and ensuring quality venue infrastructure is developed in time for the games.<sup>88</sup> However, there is an emerging need to ensure there is sufficient temporary accommodation stock (both in the form of traditional temporary accommodation such as hotels, as

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<sup>82</sup> Choose Brisbane, *Brisbane Tourism Surges as Aussie Travellers Break Records*, Choose Brisbane, 28 June 2023, <https://choose.brisbane.qld.au/news/brisbane-tourism-march-2023>; J Pierce & A Grimaux, *Buzzing Brisbane off and racing for epic weekend of major events*, The Courier Mail, 18 May 2024, <https://www.couriermail.com.au/lifestyle/buzzing-brisbane-off-and-racing-for-epic-weekend-of-major-events/news-story/340df6a37e5ef24d05c2c47bdf89fb0b>

<sup>83</sup> Brisbane Economic Development Agency, written response to the Short-Stay Accommodation Taskforce, 22 May 2024.

<sup>84</sup> Queensland Hotels Association, written response to the Short-Stay Accommodation Taskforce, 20 May 2024.

<sup>85</sup> Queensland Tourism Industry Council, written response to the Short-Stay Accommodation Taskforce, 21 May 2024.

<sup>86</sup> KPMG, *Brisbane 2032 Olympic and Paralympic Games – Preliminary economic, social and environmental analysis*, June 2021, <https://www.premiers.qld.gov.au/publications/categories/reports/assets/2032-qld-games-economic-analysis-summary-report-final.pdf>

<sup>87</sup> Queensland Government, *Venues and Villages*, Queensland Government, <https://q2032.au/big-picture/venues-and-villages>

<sup>88</sup> Queensland Government, *Transport*, Queensland Government, <https://q2032.au/big-picture/transport>

well as SSA) to meet the needs of national and international visitors. Beyond athletes (to largely be housed in the abovementioned Athlete Villages), Brisbane can expect to receive up to 25,000 officials and “for the spectator side, it could go from several hundred thousand to millions” depending on the venue capacity and ticket sales.”<sup>89</sup>

There is currently no reliable data relating to the projected growth in SSA to indicate how many properties will be available to guests of the Games, however, should more be required, the Queensland Government may choose to temporarily override existing local planning restrictions applicable to STA. This could be done by considering further circumstances for which the *Major Events Act 2014* may apply. BEDA is also working to establish the Tourism Development Plan, which will address hotel supply into the future. As part of Brisbane’s Olympic bid, existing and future planned visitor accommodation was considered. Per the 2032 Olympic and Paralympic Games Value Proposition Assessment Executive Summary (the Value Proposition), the accommodation options include hotels, serviced apartments and Airbnb.

The Value Proposition states that “this includes 41,000 rooms for games stakeholders including 18,000 for media and broadcasters. A further 40,000 rooms are required for spectators (25,000) and workers (15,000) supporting the delivery of the games. Total SEQ accommodation inventory (comprising hotels, serviced apartments and holiday parks) is currently just over 60,000 rooms. At current rates of growth, it is expected this number could rise to 70,000 rooms by 2032.”<sup>90</sup>

The Value Proposition further argues that accommodation can be supplemented by Airbnb, citing “nearly 18,000 Airbnb listings in Brisbane, Sunshine Coast and Gold Coast, many of which could be utilised for spectators.”<sup>91</sup> The Value Proposition makes reference to a press release by the International Olympic Committee, which stated that “for visitors, the Airbnb community will offer a more local and authentic way to immerse themselves in the host cities and engage with the local communities. For the cities themselves, the Airbnb community represents a more environmentally sustainable way of accommodating a surge in visitors.”<sup>92</sup>

Generally, host cities can expect to receive over a 40% increase in international tourist arrivals in the games year and an average of almost 26% in the 8 years before and 20 years following the event.<sup>93</sup> For the Sydney 2000 Olympic event, the city saw a rise from 3 million inbound tourists in 1993 when the bid was won, to just under 5 million inbound tourists at the time of the Games. A recent example is the London Olympics of 2012, which saw a rise from 30 million inbound tourists in 2005 when the bid was won, to just over 31 million inbound tourists at the time of the Games in 2012, with an additional surge in visitor numbers in the intervening period.<sup>94</sup>

Cities that have and will host Olympic and Paralympic Games all manage SSA in differing ways. Given that Airbnb did not launch globally until 2012, the only Olympic cities to contend with SSA during their games are Rio de Janeiro, Tokyo and Paris. The Rio 2016 Organising Committee for the Olympic and Paralympic Games officially nominated Airbnb as the alternative accommodation

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<sup>89</sup> ACE, *Which Olympic Games had the largest attendance?*, Visit Brisbane 2032, 2023, <https://visitbrisbane2032.com.au/olympic-games-visitor-numbers/#:~:text=Generally%2C%20the%20number%20of%20athletes,venue%20capacity%20and%20ticket%20sales>

<sup>90</sup> Queensland Government Department of the Premier and Cabinet, *2032 Olympic and Paralympic Games Value Proposition Assessment Executive Summary*, Queensland Government, 2019, [2032 Olympic and Paralympic Games Value Proposition Assessment Executive Summary \(premiers.qld.gov.au\)](https://www.premiers.qld.gov.au/2032-Olympic-and-Paralympic-Games-Value-Proposition-Assessment-Executive-Summary)

<sup>91</sup> Ibid.

<sup>92</sup> International Olympic Committee, *IOC and Airbnb announce major global Olympic partnership*, 18 November 2019, <https://olympics.com/ioc/news/ioc-and-airbnb-announce-major-global-olympic-partnership>

<sup>93</sup> C Vierhouse, ‘The international tourism effect of hosting the Olympic Games and the FIFA World Cup’, *Tourism Economics*, 2018, pp. 1009-1028.

<sup>94</sup> Mizuho Research Institute, ‘The Economic Impact of the 2020 Tokyo Olympic Games’, *Mizuho Economic Outlook and Analysis*, 2014.

provider for the Games.<sup>95</sup> During the Rio 2016 Games the city received 1.17 million visitors, of which 410,000 were international visitors. Whilst hotel occupancy reached 94% during this time,<sup>96</sup> alternatively 21.2% of Brazilian visitors and 25% of international visitors stayed in SSAs, resulting in a total of 85,000 guests, both domestic and international, staying in Airbnb listed properties for the games.<sup>97</sup>

The 2020 Tokyo Olympics (which were postponed until 2021) occurred during COVID-19 and therefore accommodation needs in general were drastically different from all other Games. The City of Paris currently only permits SSA in operators' own homes, for a maximum of 120 days per annum, as does the city of Los Angeles (see **Appendix D**). In response to a question asked by the Taskforce, Paris has stated that they will not amend this legislation for the 2024 Games, as they believe they can facilitate the stay of the 3.5 million guests that they expect to receive through traditional forms of accommodation. The city of Los Angeles has not publicised a position regarding accommodation for the 2028 Games, nor have they proposed any plans to relax the requirements of their *Home Sharing Ordinance 2018*.

### Key Findings

- 8.1 Using Inside Airbnb scraped data, Brisbane had 3,497 listings for SSA as available for 90 days from 7 July 2023.
- 8.2 Although the total number of listings is yet to meet the 2019 pre-COVID-19 peak of 3,810, the mix of whole houses/apartments has increased in the past year.
- 8.3 Approximately 77% of SSA listings are for whole homes/apartments.
- 8.4 There is a higher volume of listings located in the inner-city SA2s such as Brisbane City, South Brisbane and Fortitude Valley.
- 8.5 SSA hosts generally choose to list on the short-stay market due to better returns, more flexible use of their property and reduced wear and tear.
- 8.6 The most common reason that guests use this SSA is for holiday (61%), however, there are other reasons that guests seek this form of accommodation. These include for work, to visit family and friends, to relocate, to renovate and for medical reasons.
- 8.7 Enquiries about SSA within Brisbane are most commonly seeking information by potential hosts, about if they can offer SSA as well as complaints from Brisbane residents, questioning the legality of SSA, followed by noise, parking and safety complaints.
- 8.8 Enquiries and complaints about SSA are most commonly within the locations of South Brisbane, Kangaroo Point, Teneriffe, New Farm and Brisbane City, which are mostly centre zoned sites and where STA is consequently lawful under City Plan without requiring a development permit.
- 8.9 Brisbane continues to experience population growth from domestic and international migration.

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<sup>95</sup> Por Newsroom, *Airbnb Takes Gold with the Rio 2016 Olympic Games Providing the Official Alternative Accommodations Service*, Infobae, 2021, <https://www.infobae.com/aroundtherings/articles/2021/07/12/airbnb-takes-gold-with-the-rio-2016-olympic-games-providing-the-official-alternative-accommodations-service/>

<sup>96</sup> R Kalvapalle, *Rio de Janeiro welcomed 1.17 million tourists in two weeks*, MARCA sites, 2016, <https://www.marca.com/en/olympic-games/2016/08/24/57bda7a0468aeb3e158b4596.html>

<sup>97</sup> Airbnb, *Olympics Recap: Rio Hosts Champion Hospitality*, Airbnb, 2016, <https://news.airbnb.com/olympics-recap-rio-hosts-champion-hospitality/>

- 8.10 As of August 2021, there were 519,431 dwellings in the Brisbane LGA, consisting of both occupied and non-occupied private dwellings, as well as any non-private dwellings (such as boarding houses).
- 8.11 Approximately 36% of the dwelling stock in Brisbane is apartments, with the majority of new dwelling stock being from this type.
- 8.12 Almost 60% of the dwelling stock in Brisbane is owned outright or owned with a mortgage, with the remaining being rented premises.
- 8.13 Since 2016, there has been a reduction in investor-owned (landlord) properties with a corresponding increase in owner-occupied properties, particularly for apartments. This has led to a reduction in the number of Brisbane properties available on the rental market.
- 8.14 Among the motivations for investors selling, the most common reason cited by 47% of PIPA's survey respondents was governments increasing, or threatening to increase, taxes, duties, levies and making property a less attractive asset to hold.
- 8.15 Rental vacancies are the lowest outside of the Brisbane inner city areas, meaning it is harder to find an available rental in these suburban locations.
- 8.16 SSA accounts for less than 1% of the Brisbane dwellings, leading to a supply issue being the major cause for housing availability in Brisbane.
- 8.17 Brisbane has yet to meet the ratio of SSA listed properties to dwellings that would indicate further sanctions, such as night caps and bans, are warranted.
- 8.18 Domestic visitors have risen to almost pre-COVID-19 levels in Brisbane. International visitors have recovered to approximately 47% of pre-COVID-19 levels, with further growth in both markets expected.
- 8.19 Brisbane City, South Brisbane, Fortitude Valley and West End are key destinations for domestic visitors, international visitors and the key locations for SSA within the Brisbane LGA.
- 8.20 Hotel occupancy rates were at 74.1% in June 2023 and on par with pre-COVID-19 levels. BEDA have stated that occupancy rates consistently above 75% are a benchmark for hotel investors signalling potential capacity within a capital city accommodation market.
- 8.21 Other hotel industry metrics demonstrate that there is a growing demand for hotel accommodation within Brisbane.
- 8.22 Until hotel supply can increase to support growing demand, SSA provides an important alternative to the visitor economy in Brisbane, particularly for key sporting, business and entertainment events.
- 8.23 Brisbane can expect to see a rise in international and national tourism as a result of hosting the 35<sup>th</sup> Olympiad in 2032.
- 8.24 BEDA is working to establish the Tourism Development Plan, which will address hotel supply into the future.

### **Possible solutions**

- 8.1 That Council continues to work with the Queensland Government on strategies to increase housing and hotel supply within the Brisbane LGA and surrounding locations.

- 8.2 That Council consider introducing a new local law that seeks to better regulate SSA activities that fall outside of the scope of land use impacts. The local law should seek to:
- a) increase accountability of SSA operators
  - b) address the amenity impacts of SSA
  - c) apply appropriate penalties and enforcement, through prescribing offences
  - d) create a reliable data source.
- 8.3 That Council continue to monitor the ratio of SSA properties to all dwellings in the preparation of any future policies relating to SSA.

## 9. Benchmarking results

One of the Taskforce objectives was to benchmark with other cities and jurisdictions to determine their approach for managing SSA and take relevant learnings for Brisbane. Within Australia, the local governments of all capital cities were interviewed, as well as regional towns and cities that were anticipated to have experience with SSA. Where state-wide regulation was also in place, the relevant state government departments were also interviewed. Queensland Government departments were also interviewed as stakeholders but were not considered benchmarking partners. Refer to section 7.2 for further details.

With the exceptions of Vancouver and Los Angeles City Council, a desktop-only review of international benchmarks was also conducted. The challenges experienced by each jurisdiction was sought and captured where possible. As the international benchmarking was largely conducted as desktop research, this information was not always able to be found.

**Table 7** below summarises the benchmarking conducted by the Taskforce. The Taskforce is appreciative of the time, knowledge and experience that these local and state governments have shared.

**Table 7: Summary of local and national SSA benchmarks**

Location	Challenges	Solutions
<b>Australian state governments</b>		
New South Wales Government - Planning <sup>98</sup>  New South Wales Government - Fair Trading <sup>99</sup>	<ul style="list-style-type: none"> <li>Local governments responding differently to the issues created by SSA</li> </ul>	<ul style="list-style-type: none"> <li>State-wide register for SSA introduced 2021</li> <li>Registration number to be displayed on advertisement</li> <li>State-wide code of conduct</li> <li>Non-hosted is an exempt activity everywhere in New South Wales, including an annual 180-day cap in some locations</li> <li>In these locations, non-hosted beyond 180 days requires planning approval</li> <li>Change to the <i>Strata Schemes Management Act 2015</i> on 10 April 2020 allowed bodies corporate to pass a by-law with 75% majority banning SSA in non-owner-occupied apartments<sup>100</sup></li> <li>Released a discussion paper on short and LTR accommodation on 15 February 2024<sup>101</sup></li> </ul>
Western Australia  Department of Planning, Lands and Heritage  Department of Mines, Industry Regulation and Safety <sup>102</sup>	<ul style="list-style-type: none"> <li>Lack of data to inform state government policy</li> <li>Diverse needs for accommodation state-wide</li> <li>Amenity impacts</li> <li>Housing supply in some communities</li> </ul>	<ul style="list-style-type: none"> <li>Developed the <i>Position Statement: Planning for Tourism and Short-Term Rental Accommodation</i></li> <li>Inter-agency working group</li> <li>Developing state-wide register</li> <li>Development Approval required for STRA lets of more than 90 days per annum within the Perth Metropolitan area</li> <li>Hosted STRA is exempt</li> <li>STRA users can't advertise without being registered</li> </ul>

<sup>98</sup> NSW Government – Planning, *Short-term rental accommodation*, NSW Government, 2024, <https://www.planning.nsw.gov.au/policy-and-legislation/housing/short-term-rental-accommodation>

<sup>99</sup> NSW Government – Fair Trading, *Short-term rental accommodation*, NSW Government, 2024, <https://www.fairtrading.nsw.gov.au/housing-and-property/short-term-rental-accommodation>

<sup>100</sup> Bannermans Lawyers, 'Don't Believe the Hype: From 10 April 2020, New Section 137A to Enable Owners Corporations to make By-Laws to Prohibit Short-Term Letting Commences', *Bannermans Lawyers*, 2020, pp. 1–3.

<sup>101</sup> NSW Government Department of Planning, Housing and Infrastructure, 'Discussion Paper on short- and long-term rental accommodation: review of regulations and supply in New South Wales', *NSW Government*, 2024, pp. 4–44.

<sup>102</sup> Government of Western Australia Department of Planning, Lands and Heritage, 'Position Statement: Planning for Tourism and Short-term Rental Accommodation', *Western Australian Planning Commission*, 2023, pp. 1–9; Government of Western Australia, *Short term rental accommodation*, Government of Western Australia, 2024, <https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/short-term-rental-accommodation>



Location	Challenges	Solutions
		<ul style="list-style-type: none"> <li>Interface with local government to ensure registered STRA have local government approvals</li> <li>Introduced STRA Incentive Scheme –\$10,000 incentive for operators to return to the LTR market</li> </ul>
Tasmanian Planning Commission <sup>103</sup>	<ul style="list-style-type: none"> <li>Lack of data</li> <li>Concerns of SSA operating without a permit</li> </ul>	<ul style="list-style-type: none"> <li>Introduced the <i>Short Stay Accommodation Act 2019</i></li> <li>Introduced a mandatory permit for non-owner occupiers in July 2017</li> <li>The Act requires the permit number to be displayed by booking platform providers</li> <li>Home-hosted is exempt</li> <li>Booking platform providers are required to give quarterly listing information to the Director of Building Control</li> <li>State-wide Planning Scheme provisions</li> <li>Not permitted within Strata Schemes unless no unreasonable loss of residential amenity can be demonstrated</li> </ul>
Consumer Affairs Victoria – Department of Government Services <sup>104</sup>	<ul style="list-style-type: none"> <li>Amenity impacts</li> <li>Lack of data</li> </ul>	<ul style="list-style-type: none"> <li>Changes to the <i>Owners Corporations Act 2006</i> were introduced in Feb 2019 to help prevent SSA apartment buildings being used to host unruly parties. owners corporations and residents can take action against owners and guests who are now jointly and individually liable for any compensation, fines and awards for damage to common property</li> </ul>
Victoria Government Department of Premier and Cabinet <sup>105</sup>	<ul style="list-style-type: none"> <li>Affordable housing supply</li> </ul>	<ul style="list-style-type: none"> <li>'The Short Stay Levy' of 7.5% to commence in 2025</li> </ul>
Australian Capital Territory Government <sup>106</sup>	<ul style="list-style-type: none"> <li>Diverse housing requirements for non-tourists</li> </ul>	<ul style="list-style-type: none"> <li>Commissioned a public survey regarding STRA in 2022.</li> <li>Results indicate STA is not a high public concern</li> <li>STA currently not regulated</li> </ul>
<b>Australian capital cities</b>		
City of Sydney <sup>107</sup>	<ul style="list-style-type: none"> <li>Compliance with state provisions</li> <li>Hotel supply</li> </ul>	<ul style="list-style-type: none"> <li>Un-hosted STA exempt development capped to 180 days. More than 180 days requires a planning permit</li> <li>State-wide registration and code of conduct</li> </ul>

<sup>103</sup> Tasmanian Government, *Tasmanian Planning System: Short Stay Accommodation*, Tasmanian Government, 2024, <https://planningreform.tas.gov.au/planning/short-stay-accommodation-act-2019>; Minister for Planning, 'Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes', *Tasmanian Government*, 2018, pp. 1–6; Tasmanian Government Department of Justice, 'Short Stay Accommodation Act 2019: Overview', *Tasmanian Government*, 2019, pp. 1–6.

<sup>104</sup> Consumer Affairs Victoria, *Short-stay accommodation – owners corporations*, Consumer Affairs Victoria, 2021, <https://www.consumer.vic.gov.au/housing/owners-corporations/rules/short-stay-accommodation>; Consumer Affairs Victoria, *Short-stay accommodation panel*, Consumer Affairs Victoria, 2019, <https://www.consumer.vic.gov.au/resources-and-tools/legislation/public-consultations-and-reviews/short-stay-accommodation-panel>

<sup>105</sup> B Colovos, *Australian-first 7.5% levy to hit all Airbnb and short-stay accommodation in Victoria*, The Guardian, 2023, <https://www.theguardian.com/australia-news/2023/sep/20/victoria-airbnb-short-stay-accommodation-levy-7-5-housing-crisis>; K Rooney, R Eddie, B Carmody & A Smethurst, *Andrews unveils short-stay levy, faster approvals and rent protections*, The Age, 2023, <https://www.theage.com.au/politics/victoria/kingswood-golf-course-rezoning-among-five-projects-suddenly-approved-by-government-20230920-p5e64c.html>

<sup>106</sup> Government of the Australian Capital Territory, 'Short-Term Rental Accommodation survey: Final Report', ACT Government, 2022, pp. 2–42; J Lindell, *Short-term rentals, Airbnb face greater regulation in Canberra as government agrees to review sector*, The Canberra Times, 2023, <https://www.canberratimes.com.au/story/8142322/short-term-rentals-face-greater-regulation-as-act-reviews-sector/>; G Roberts, *Greens MLA calls on ACT government to regulate short-term accommodation market as rental crisis continues*, ABC News, 2023, <https://www.abc.net.au/news/2023-03-30/short-term-accommodation-keeping-out-renters-johnathan-davis-says/102164416>

<sup>107</sup> City of Sydney, *Your say on short-term rental accommodation*, City of Sydney, 2024, <https://www.cityofsydney.nsw.gov.au/vision-setting/your-say-short-term-rental-accommodation>

Location	Challenges	Solutions
		<ul style="list-style-type: none"> <li>Conducted a public survey on STRA Jan-Feb 2024</li> </ul>
City of Melbourne <sup>108</sup>	<ul style="list-style-type: none"> <li>Affordable housing supply</li> <li>Amenity impacts</li> <li>Largely unregulated activity</li> <li>Lack of data</li> </ul>	<ul style="list-style-type: none"> <li>STA not regulated under the Planning Scheme</li> <li>Council voted on 29 August 2023 to establish a policy position and progress work to regulate the STRA industry</li> <li>Support for implementation of a local law that includes an annual registration fee and a day cap per property</li> <li>Work has been paused until there is clarity on how the Victorian Government will impose the 7.5% levy on SSA. Levy to be introduced January 2025</li> </ul>
City of Hobart <sup>109</sup>	<ul style="list-style-type: none"> <li>Affordable housing supply</li> <li>Access to data (historical)</li> </ul>	<ul style="list-style-type: none"> <li>Covered by the Tasmanian State Government <i>Short Stay Accommodation Act 2019</i>.</li> <li>Creates an offence to property owners and online booking agencies if they don't display the required information. Online booking agencies are required to provide the Director of Building Control all listing data within 30 days of the end of the quarter</li> <li>Non-hosted STA requires a planning permit for dwellings over 200m<sup>2</sup></li> <li>STA must not displace a residential use within the Battery Point precinct</li> <li>Use of differential rating</li> </ul>
City of Perth <sup>110</sup>	<ul style="list-style-type: none"> <li>Diverse accommodation needs for 'fly in fly out' (FIFO) workers</li> <li>Amenity impacts</li> </ul>	<ul style="list-style-type: none"> <li>Adopted a <i>Special Residential (Serviced and Short Term Accommodation) Planning Policy</i> in 2007.</li> <li>A management plan is required to be submitted with each application which addresses noise, complaints, use of common property, security, management of anti-social behaviour, parking, rubbish disposal and strata titled by-laws</li> <li>Policy also requires separation of short-stay uses within a residential building, requiring separate floors and access.</li> <li>Development Approval required for STRA lets of more than 90 days per annum within the Perth Metropolitan area</li> <li>Hosted STRA is exempt</li> </ul>
City of Adelaide <sup>111</sup>	<ul style="list-style-type: none"> <li>Amenity issues particularly in high rise apartments</li> <li>Access to data</li> </ul>	<ul style="list-style-type: none"> <li>State-based planning code</li> <li>No specific requirements for SSA</li> </ul>
City of Darwin	<ul style="list-style-type: none"> <li>Seasonal high demand for SSA</li> <li>Expanding visitor season</li> </ul>	<ul style="list-style-type: none"> <li>No specific requirements for SSA</li> </ul>
<b>Other Australian cities and regions</b>		

<sup>108</sup> City of Melbourne, *Council Meeting Minutes – Meeting Number 37 Tuesday 29 August 2023*, City of Melbourne, 2023, [https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/MeetingAgendaItemAttachments/1034/AUG23%20CCL%20MINUTES%20CONFIRMED%20\(OPEN\).pdf](https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/MeetingAgendaItemAttachments/1034/AUG23%20CCL%20MINUTES%20CONFIRMED%20(OPEN).pdf); We Live Here, *23.06 Suburban councils take the lead*, 2023, <https://www.welivehere.net/suburban-councils-take-the-lead>

<sup>109</sup> City of Hobart, *Visitor Accommodation*, City of Hobart, <https://www.hobartcity.com.au/Development/Planning/Visitor-accommodation>; City of Hobart, *Rates Notices*, City of Hobart, <https://www.hobartcity.com.au/Residents/Rates/Rate-notices>

<sup>110</sup> City of Perth, *Frequently asked questions*, City of Perth, <https://perth.wa.gov.au/building-and-planning/planning-and-building-applications/frequently-asked-questions>; City of Perth, *City Planning Scheme No 2 Planning Policies*, City of Perth, 2016, <https://perth.wa.gov.au/building-and-planning/planning-framework/planning-policies-and-precinct-plans/city-planning-scheme-no-2-planning-policies>

<sup>111</sup> Government of South Australia Department of Planning, Transport and Infrastructure, 'Advisory Notice: Application of the change in use provisions – dwelling status', *Government of South Australia*, 2016, pp. 1–2.

Location	Challenges	Solutions
Noosa Shire Council <sup>112</sup>	<ul style="list-style-type: none"> <li>Housing availability and affordability</li> <li>Amenity impacts</li> <li>Worker accommodation</li> </ul>	<p>Planning:</p> <ul style="list-style-type: none"> <li>Introduced STA definition</li> <li>STA not supported in LDRZ (except for existing use rights)</li> <li>Within own home, up to 60 nights per year and no more than 4 times</li> <li>Secondary dwellings cannot be used for STA</li> <li>'Party houses' prohibited</li> </ul> <p>Local law:</p> <ul style="list-style-type: none"> <li>Introduced the <i>Short Stay Letting and Home Hosted Accommodation Local Law</i> in February 2022</li> <li>Requires responsible contact person to be located within 20km of property</li> <li>24/7 complaints hotline</li> </ul>
Sunshine Coast Council	<ul style="list-style-type: none"> <li>Hotel supply</li> <li>Affordable housing supply</li> <li>Lack of data</li> <li>'Party house' complaints</li> </ul>	<ul style="list-style-type: none"> <li>STA permitted in Tourist zone</li> <li>Planning permit required for other zones</li> <li>Monitoring housing demand and supply to inform future policy</li> </ul>
City of Gold Coast <sup>113</sup>	<ul style="list-style-type: none"> <li>'Party house' complaints (historical)</li> <li>Residential amenity</li> <li>Lack of data</li> </ul>	<ul style="list-style-type: none"> <li>Planning approval required in most zones</li> <li>Use differential rates for SSA</li> <li>City Plan regulates 'party houses' and requires approval</li> <li>The RTRA Act – licence required for all rental accommodation</li> <li>Conditions of local law permit require the operation of the rental for STA must not detrimentally affect the residential amenity of premises in the vicinity</li> </ul>
Moreton Bay Regional Council <sup>114</sup>	<ul style="list-style-type: none"> <li>Need more tourist accommodation</li> </ul>	<ul style="list-style-type: none"> <li>STA mostly accepted development</li> <li>Code assessable if above 120 days</li> </ul>
Cairns Regional Council	<ul style="list-style-type: none"> <li>Access to data</li> </ul>	<ul style="list-style-type: none"> <li>STA requires a planning permit in most zones</li> <li>Monitoring data to inform future policy</li> </ul>
Ipswich City Council	<ul style="list-style-type: none"> <li>Hotel supply</li> <li>Access to data</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring current supply and demand to inform future policy</li> </ul>
Mornington Peninsula Shire <sup>115</sup>	<ul style="list-style-type: none"> <li>Housing availability and affordability</li> <li>Weekend and holiday peaks</li> <li>Amenity</li> </ul>	<ul style="list-style-type: none"> <li>Adopted <i>Short Stay Rental Accommodation Local Law</i> in May 2018</li> <li>SSA must be registered and the number included on the advertisement</li> <li>Designated person nominated, who must respond to complaints within 2 hours</li> <li>Required to give contact details to neighbours</li> <li>Permit revoked if 3 substantiated complaints within 12 months</li> <li>Code of conduct</li> </ul>

<sup>112</sup> Noosa Shire Council, 'Short-Term Accommodation Guide', *Noosa Council*, 2022, pp. 1–23; Noosa Shire Council, *Administration (Amendment) Subordinate Local Law (No. 1) 2021*; Noosa Shire Council, *Mayor welcomes transfer of short-stay properties to permanent rental market*, Noosa Council, 2023, <https://www.noosa.qld.gov.au/news/article/1536/mayor-welcomes-transfer-of-short-stay-properties-to-permanent-rental-market>; Noosa Shire Council, 'Short Term Accommodation – Online Platform Issues Paper', *Noosa Council*, 2019, pp. 3–40.

<sup>113</sup> ABKJ Lawyers, *Airbnb & The Law on the Gold Coast Part 2 – Local Council Regulations*, ABKJ Lawyers, 2023, <https://www.abkj.com.au/articles/airbnb-the-law-on-the-gold-coast/>; M Colahan, *Gold Coast crackdown uncovers 250 unregistered Airbnbs, but it's just the tip of the iceberg*, ABC News, 2023, <https://www.abc.net.au/news/2023-02-03/councils-crack-down-on-rogue-airbnb-operators/101927282>; J Harbour, *Gold Coast City Council application to host property on AirBnB can cost as much as \$8086*, Gold Coast Bulletin, 2016, <https://www.goldcoastbulletin.com.au/news/crime-court/gold-coast-city-council-application-to-host-property-on-airbnb-can-cost-as-much-as-8086/news-story/665ab4ad89a636d5159c2b761a7f173c>; City Plan Planning, *Airbnb and Identified Demand*, City Plan Planning, 2016, <https://cityplanplanning.com.au/airbnb-stayz-lawful-land-use-or-unlawful-activity/>

<sup>114</sup> City of Moreton Bay, *Licences and regulations*, City of Moreton Bay, <https://www.moretonbay.qld.gov.au/Services/Licences-Regulations/Shared-Facility>

<sup>115</sup> Mornington Peninsula Shire, *Short Stay Rental Accommodation Local Law*, Mornington Peninsula Shire, 2022, <https://www.mornpen.vic.gov.au/Online-Forms-and-Services/Short-Stay-Rental-Accommodation-Local-Law>

Location	Challenges	Solutions
Byron Shire Council <sup>116</sup>	<ul style="list-style-type: none"> <li>Housing availability and affordability</li> <li>Housing stress</li> <li>Amenity (historical)</li> <li>Validation of data</li> <li>Essential worker accommodation</li> <li>Funding for enforcement</li> </ul>	<ul style="list-style-type: none"> <li>Under the New South Wales state-wide rules for STA – 180-day cap, mandatory code of conduct, state-wide registration</li> <li>Submitted a planning proposal to reduce non-hosted cap for Byron Shire to 90 days</li> <li>New South Wales IPC Review findings, April 2023</li> <li>State-endorsed IPC recommendation that non-hosted STA should be subject to a 60-day exempt development cap (excluding 2 mapped precincts). Beyond 60 days requires a planning approval. To take effect 23 September 2024</li> <li>Policy direction that secondary dwellings should only be used for LTRs</li> </ul>

Several international cities were also benchmarked and a more detailed overview of their regulatory practices is available in **Appendix D**. In summary, the following was determined.

- Cities with day or night caps include:
  - Amsterdam
  - Berlin
  - Christchurch
  - Los Angeles
  - London
  - San Francisco.
- Cities with a licencing or registration system for SSA include:
  - Amsterdam
  - Barcelona
  - Berlin
  - Edinburgh
  - Las Vegas
  - Palma de Mallorca
  - Paris
  - San Francisco
  - Vancouver.
- Cities that require that SSA be conducted only in an operator's primary place of residence include:
  - Las Vegas
  - Los Angeles
  - New York
  - Paris
  - Vancouver.

As can be seen from all benchmarking results, one key finding is that every jurisdiction is facing its own unique issues when dealing with SSA. Some jurisdictions are seeking to attract more tourists and SSA is an important service for this purpose, particularly when hotel rooms are not keeping up with demand.

Some coastal areas such as the Gold Coast, Noosa, Byron Bay and Mornington Peninsula experienced rapid growth of SSA when online booking agencies grew in popularity from 2012. In

<sup>116</sup> Dr. S Coakes & Prof. J Grant, 'Byron Shire Short-Term Rental Accommodation Planning Proposal', *NSW Government Independent Planning Commission*, 2023, pp. 1–72; NSW Government Independent Planning Commission, *Byron Shire Short Term Rental Accommodation Planning Proposal*, NSW Government, 2023, <https://www.ipcn.nsw.gov.au/cases/2022/12/byron-shire-short-term-rental-pp>; T Burke, L Ralston, W Stone & Z Goodall, 'Short term rental accommodation: new directions, new debates', *AHURI*, 2023, pp. 1–55; C McLeod, *NSW approves 60-day short-term holiday rental cap in Byron Bay amid housing stress*, *The Guardian*, 2023, <https://www.theguardian.com/australia-news/2023/sep/26/byron-bay-shire-nsw-60-day-short-term-holiday-rental-airbnb-cap-approved>

these areas, holiday accommodation has always been a feature of their towns and cities, but the access created through technology meant that what was once seasonal impact and letting that relied on word of mouth, real estate agents or advertising in the paper, became a year-round surge of bookings.

Common to some capital cities is the amenity impact that SSA is having, particularly within high rise apartment complexes. Various responses to this have been attempted, such as:

- changes to the *Owners' Corporation Act 2006* in Victoria
- attempting to address unruly parties
- changes to the strata and tenancy laws in New South Wales allowing owners corporations to adopt, with a 75% majority by-laws that ban SSA in lots that are not the host's principal place of residence
- City of Perth's *Special Residential (Serviced and Short Term Accommodation)* Planning Policy which requires separation of uses when SSA is within a residential building.

Tasmania has also introduced the *Short Stay Accommodation Act 2019* in which SSA is not permitted within Strata Schemes unless no unreasonable loss of residential amenity can be demonstrated. With the exception of Perth, these schemes have been introduced on a state-wide basis.

Many jurisdictions cited the lack of data as one of biggest issues their area faced, which presented challenges for policy development, regulation and enforcement. The states of New South Wales, Tasmania and soon to be Western Australia have pursued a state-wide SSA registration scheme, inclusive of data sharing agreements with the major online booking platforms to address this issue. These schemes also share data with the local governments to facilitate monitoring, compliance and enforcement.

There have been challenges experienced with state-wide registration schemes at the local government level with data accuracy being the main issue. This has been both in terms of real property addresses as well as proof of the SSA use in some jurisdictions which requires booking transaction data (not always subject to the data agreement). Listings for SSA are required to display the registration number. Another issue experienced by local governments is a lack of funding to resource the compliance and management of SSA. Most state-based registration systems have a nominal fee which covers the cost of the state government administration of the scheme. There were no examples found within Australia where the state-wide scheme also included a funding stream to local governments to assist with the regulation.

It is therefore recommended that any future data sharing agreement at a state-wide level seeks to address these issues so that local governments can rely on the information for monitoring, compliance and enforcement. It is also noted that the New South Wales Government, when interviewed, had identified that their scheme would be subject to a review. With the discussion paper released on 15 February 2024, any learnings from this process should be incorporated into any future schemes. Within Australia, there has been no local government who has brokered an agreement with the online booking agencies to share data. Feedback obtained by the Taskforce from interviews and submissions from the online booking agencies revealed that they will only pursue such agreements on a state-wide basis.

Some, but not all jurisdictions use their planning scheme to regulate the activity, such as the Sunshine Coast, Gold Coast, Cairns, Noosa and Perth. In these jurisdictions, SSA is defined under the planning scheme and is identified as an appropriate use in some zones. Other zones may require a planning approval upfront or when time-based thresholds are met. Some jurisdictions have sought to make SSA the equivalent of impact assessable in their planning schemes, such as Hobart within some residential and mixed use zones and Noosa within residential zones (other than for existing use rights).

Of the Australian jurisdictions benchmarked, only Noosa and the Mornington Peninsula have adopted a local law which gives these local governments additional power to regulate, manage and



enforce the SSA activity within their regions.<sup>117</sup> Unique to these local laws is a provision that requires a property manager to be available 24/7 to respond to any complaints arising from the operation of the SSA activity on the premises.

Most international benchmarks, particularly in high tourist areas, require the registration and licensing of SSA with the city authority and have passed laws to achieve this. The listings are required to display the licence or registration number and quite often penalties apply to the operator and/or the online booking agent if they do not. As revealed in **Table 7** most international benchmarks now require a SSA property to be registered or licenced with the local authority and many impose additional conditions that must be adhered to, to avoid incurring a penalty.

In their work conducted in 2018,<sup>118</sup> AHURI presented a model of regulatory approaches based on their review of 9 international cities. They identified 3 forms of approaches for regulating SSA, namely 'permissive approach', 'notificatory approach' and 'restrictive approach'. This model is useful in understanding the different approaches that jurisdictions may deploy to further regulate SSA. Based on the benchmarking conducted by the Taskforce, the AHURI model has been adapted below (see **Figure 7**) to include a new category called 'licenced approach', which has emerged since this research was conducted.

**Figure 7: Continuum of regulatory approaches for SSA**

Permissive approach	Notification approach	Licenced approach	Restrictive approach
SSA is mostly allowed without prior permission or notification	SSA is mostly allowed, provided the host first notifies an authority (no specific decision required)	SSA may be allowed, provided the host meets standards and conditions. Permit issued to be used on advertising.	SSA is mostly banned or allowed only in limited circumstances. An authority gives specific permission
Examples	Examples	Examples	Examples
<p><b>Phoenix, Arizona</b> Under State Law, cities are prohibited from restricting vacation rental or SSA.</p> <p><b>City of Melbourne</b> SSA not regulated under the planning scheme.</p> <p><b>Auckland</b> SSA may incur business rating, depending on extent of use.</p>	<p><b>Paris (Primary Residence)</b> Notify prior to Council. Registration number advertised. Max 120 days.</p> <p><b>San Francisco (Primary Residence)</b> Mandatory registration for hosts. Primary residence only. Max 90 days if host absent. No limit if host is on premise.</p> <p><b>Amsterdam</b> SSA max 30 days/year non-hosted. Each let notified to city. Airbnb block advertising once 30 day limit reached.</p>	<p><b>New South Wales State Government</b> Mandatory code of conduct. SSA premises register. Max 180 days.</p> <p><b>Mornington Peninsula</b> LL- SSA must be registered. May be cancelled if 3 substantiated complaints within 12 months. code of conduct.</p>	<p><b>Paris (Secondary Residence)</b> Change of use approval required. City Law requires owner to first purchase triple the area of commercial space to convert to housing.</p> <p><b>New York City</b> SSA (less than 30 days) only allowed if host is also present. Max 2 guests. Otherwise SSA is illegal.</p> <p><b>Noosa</b> SSA not supported in LDRZ or secondary dwellings. Need approval under local law, annual renewal. Max 60 nights for hosted.</p>

Source: Model adapted from AHURI final report

<sup>117</sup> Gold Coast City Council has imposed a *Subordinate Local Law No. 16.1 (Rental Accommodation) 2008* (Qld), but this applies to all residential tenancy types.

<sup>118</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 64–70.



## **Key findings**

- 9.1 Every jurisdiction is facing its own unique issues when dealing with SSA. Some jurisdictions are seeking to attract more tourists and SSA is important infrastructure for this purpose, whilst others are seeking to restrict the operation of SSA.
- 9.2 Many Australian capital cities experience amenity impacts, particularly within high rise apartment complexes.
- 9.3 Lack of reliable data has been a common issue in most jurisdictions benchmarked.
- 9.4 Data accuracy is a key challenge experienced by many local governments, causing issues with policy creation and compliance activities.
- 9.5 State-wide registration and data sharing agreements should address the issue of data accuracy, but only where the data is validated at a state level, with input from local governments to establish lawfulness under local planning legislation. Where the data is not validated, compliance efficiency at a local government level remains the same.
- 9.6 Most international benchmarks, particularly in high tourist areas, require the registration and licencing of SSA with the city authority and have passed laws to achieve this.
- 9.7 Improving the accountability of hosts has been a feature of local laws that have been introduced within Australian jurisdictions.

## **Possible solutions**

- 9.1 Council advocates to the Queensland Government to:
  - a) introduce a state-wide register of SSA properties, that is shared with local governments. The register should comprise data that is validated and of a quality that is fit for regulatory purposes
  - b) introduce a state-wide code of conduct to establish behavioural obligations across the STA industry, which is held and managed at a state level.
- 9.2 That Council consider introducing a new local law that seeks to better regulate SSA activities that fall outside of the scope of land use impacts. The local law should seek to:
  - a) increase accountability of SSA operators
  - b) address the amenity impacts of SSA
  - c) apply appropriate penalties and enforcement, through prescribing offences
  - d) create a reliable data source.

## 10. Key findings and recommendations - a best practice approach for Brisbane

SSA is a predominant activity in Brisbane, with active listings estimated to be between 3,497<sup>119</sup> and 4,430.<sup>120</sup> While SSA provides more diverse options and contributes to the tourism industry, they also present many challenges. Alongside the benefits, SSA has been associated with undesirable amenity impacts and alleged negative economic impacts on Brisbane's housing availability and affordability.

Across the Brisbane LGA, SSA represents less than 1% of the available housing stock. There is a perception among respondents to Council's public survey that SSA is having an impact on housing affordability and availability. The data, however, supports that there is a supply issue, rather than SSA being the cause. It is the view of the Taskforce that the Brisbane LGA is yet to meet the thresholds experienced in other national and international benchmarks that required SSA to be banned or limited through the introduction of night caps or other restrictions. Any regime introduced however, needs to be flexible enough to allow for tighter sanctions to be introduced, should these thresholds be reached.

Based on interviews with bodies corporate and external stakeholders, it is evident that SSA is having a significant residential amenity impact, particularly within apartment buildings in the inner-city suburbs of the Central Business District (CBD), South Brisbane, Fortitude Valley, Bowen Hills and West End. The primary issues associated with SSA has been absent hosts and their failure to mitigate nuisance and damage caused by their guests. These concerns however relate only to a specific type of guest, who are underrepresented in numbers in comparison to guests who are quiet and respectful temporary tenants.

At present, bodies corporate have very little authority to regulate the activity within their buildings and many are calling for this to be addressed. As domestic and international visitors continue to increase, the demand for SSA and hotel accommodation within these same inner-city suburbs will also increase.

The Taskforce acknowledges that there are many operators and hosts of SSA who care deeply about the impact their activity may potentially have on their neighbours and who have implemented measures to ensure this doesn't happen. They have implemented measures such as guest vetting, noise monitoring, establishing and enforcing quiet hours and other measures such as on-call security. As responsible and professional operators, they also support a state-wide registration system and a code of conduct to lift the performance standards for all operators.

There are limitations within planning legislation to regulate the amenity issues, as many of the impacts are attributed to guest and host behaviour and cannot effectively be managed through assessment benchmarks and/or development conditions alone. However, it is also acknowledged that there are some opportunities for improvement within the existing planning legislation (at both a state and local government level) that if amended will enhance clarity and improve development outcomes and compliance activities. Specifically, this could include a review of the assessment benchmarks within the relevant City Plan codes and the definition of STA within the Planning Act.

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<sup>119</sup> 'Active listings' are defined as listings able to be booked within 90 days from 7 July 2023 (the date the data was scraped).

<sup>120</sup> Inside Airbnb, *Brisbane*, 2024, <http://insideairbnb.com/brisbane/>

The alternative to a planning scheme response is the creation of a local law, which increases the accountability of owners and operators and has the ability to:

- assess both the premises and the applicant for their suitability for SSA, inclusive of home-hosted and non-home-hosted
- grant the permit to an applicant, rather than the land (which is required under the planning scheme)
- impose conditions relevant to the operation of SSA, without being restricted by the applicable benchmarks in City Plan, as would apply for development conditions
- impose new offences that provide targeted outcomes to address the unique issues of SSA
- revoke a permit where appropriate (a development approval does not offer this flexibility, as a development approval is permanent once enacted)
- restrict permit transfers, to ensure each operator is assessed based on their specific management systems
- have a faster, less restrictive application process that is not cost or time prohibitive for small operators
- generate an accurate database of SSA permit holders to better manage compliance (including rating) and inform future policy.

The lack of accurate data about the nature and location of SSA within the Brisbane LGA is and will continue to be a significant obstacle in Council's management of SSA activities, unless addressed. Accurate data sources generated through Council's own regulation of the activity and through a state-based registration and data sharing agreement with online booking providers and with local government, if implemented, will address this issue.

The Taskforce acknowledges the requests from operators of SSA and online booking platforms that any reforms should be introduced on a state-wide basis so that consistent rules apply across the state. There should be caution however in relying on state-based systems alone, as learned in the benchmarking, as often they cannot address local issues nor facilitate local compliance.

In determining a best practice approach for SSA in Brisbane, a balance is required between the benefits that SSA can bring the Brisbane economy and the impact it can have on residential amenity. The Taskforce identified that in striking this balance, any solution should:

- allow SSA to operate as a viable option for tourists, residents and visitors who require temporary accommodation
- support the local economy that SSA relies upon and facilitates
- ensure that neighbours can enjoy the amenity, safety and liveability of their geographic location
- ensure that SSA maintains sustainable supply relative to other markets and is suitably located across Brisbane
- drive responsible and accountable hosting such that property owners and managers proactively manage the impacts of SSA within their property
- provide accurate data and information about SSA such that it can be relied upon for monitoring, compliance and future policy development
- ensure that compliance and enforcement can be carried out effectively and efficiently
- provide flexibility in the approach such that Council can respond to future changes, challenges and circumstances
- advocate for state-wide regulatory frameworks which allow for local government response and adaptation to local needs
- be at no additional cost to rate payers and Council's management should be funded through associated fees and charges.

## Recommendations

Given the landscape that short-stay accommodation operates in Queensland, some reform may be possible at a local government level, but others require state government intervention. Taking into account the research, survey results, interviews, data analysis and benchmarking conducted by the Taskforce and considering the range of possible solutions, the Taskforce makes the following recommendations to create a best practice approach for Brisbane.

1. Council to develop a short-stay accommodation local law, requiring operators of hosted and non-hosted short-stay accommodation to obtain a permit to operate. The local law should seek to do the following.
  - Increase accountability of short-stay accommodation operators, through:
    - a) requiring all short-stay accommodation operators to obtain a permit under the local law
    - b) requiring all applicants to nominate a property manager
    - c) allowing for the revocation of permits for poor operators.
  - Address the amenity impacts of short-stay accommodation, through:
    - a) holding property managers accountable for responding to all complaints in a nominated timeframe
    - b) setting a code of conduct for guests (in the absence of a state-wide code of conduct) to be enforced by the property manager.
  - Apply appropriate penalties and enforcement, through prescribing offences relating to:
    - a) operating or advertising without a permit
    - b) providing false information
    - c) non-compliance with conditions.
  - Create a reliable data source, through:
    - a) requiring all short-stay accommodation operators to obtain a local law permit and prescribing a permit type for whole properties (non-home hosted) and for part of a property (home hosted).
2. Council to review and monitor existing planning requirements and settings in the *Brisbane City Plan 2014*, the *Planning Act 2016* and the *Planning Regulation 2017* to determine whether definition and assessment benchmark changes are required.
3. Council to continue to monitor the ratio of short-stay accommodation properties to all dwellings in the preparation of any future policies relating to short-stay accommodation.
4. Council to advocate to the Queensland Government for:
  - a) a state-wide register of short-stay accommodation properties, that is shared with local governments (the register should comprise data that is validated and of a quality that is fit for regulatory purposes, and state government should seek oversight of the register at a local government level to ensure properties listed are lawful against local planning controls)
  - b) a state-wide code of conduct to establish behavioural obligations across the short-stay accommodation industry, which is regulated by state government
  - c) a state-wide data sharing agreement with platform providers inclusive of a common definition for 'active listings' and data validation
  - d) a model local law which may be utilised by other Queensland local governments
  - e) an amendment to the definition of 'short-term accommodation' in the *Planning Regulation 2017* to include "offer"
  - f) the power to further regulate 'short-term accommodation' in specified locations (similar to the 'party house' provisions in the *Planning Act 2016*)
  - g) an amendment to the *Body Corporate and Community Management Act 1997* to allow bodies corporate to pass a by-law prohibiting or restricting short-stay accommodation for non-owner occupiers

- h) a review of the Body Corporate and Community Management Act 1997 in relation to the Regulation Modules to improve consumer confidence.
- 5. Continue to work with the Queensland Government to increase housing and hotel supply within the Brisbane local government area and surrounding locations.
- 6. Council to develop a tool to help customers map their short-stay accommodation activity across all regulatory requirements within Council.
- 7. Council to continue to assist the Local Government Association of Queensland with their advocacy to the Queensland Government.

## 11. Conclusion

As determined by extensive research and various stakeholder engagements, SSA in Brisbane is associated with detrimental amenity issues that negatively impacts our community. Based on key findings, the outlined recommendations that Council have presented will better manage the effects of SSA. Leading up to the Brisbane 2032 Olympic and Paralympic Games and beyond, more regulation and enforcement must be imposed to ensure that Brisbane can preserve its economic viability, amenity, safety and liveability.



## Glossary

**ABCB:** Australian Building Codes Board  
**ABS:** Australian Bureau of Statistics  
**ADR:** Average daily rate  
**AHURI:** Australian Housing and Urban Research Institute  
**Apartment:** Used throughout this report as the generic term to describe units within a community titles scheme  
**ASTRA:** Australia and New Zealand Short Term Rental Association  
**BCA:** Building Code of Australia  
**BCCM Act:** *Body Corporate and Community Management Act 1997*  
**BEDA:** Brisbane Economic Development Agency  
**BUGTA:** *Building Units and Group Titles Act 1980*  
**Building Act:** *Building Act 1975*  
**CBD:** Central business district  
**City Plan:** *Brisbane City Plan 2014*  
**CoBA:** *City of Brisbane Act 2010*  
**CoBR:** *City of Brisbane Regulation 2012*  
**Council:** Brisbane City Council  
**COVID-19:** Coronavirus  
**CTS:** Community titles scheme  
**DHLGPPW:** Department of Housing, Local Government, Planning and Public Work  
**FIFO:** 'Fly in fly out'  
**FTE:** Full-time equivalent  
**GDP:** Gross domestic product  
**HBB:** Home-based business  
**HSALL:** *Health, Safety and Amenity Local Law 2021*  
**IPC:** Independent Planning Commission  
**IVS:** International Visitor Survey  
**LDRZ:** Low density residential zone  
**LGA:** Local government area  
**LGAQ:** Local Government Association of Queensland  
**LTR:** Long-term rental  
**MCU:** Material change of use  
**NCC:** National Construction Code  
**NVS:** National Visitor Survey  
**PIPA:** Property Investment Professionals Australia  
**Planning Act:** *Planning Act 2016*  
**Planning Regulation:** *Planning Regulation 2017*  
**QDC:** Queensland Development Code  
**RevPAR:** Revenue per available room  
**ROI:** Return on investment  
**RTRA Act:** *Residential Tenancies and Rooming Accommodation Act 2008*  
**SA2:** Statistical Area – Level 2 (defined by ABS)  
**SEQ:** South East Queensland  
**SPP:** *State Planning Policy 2017*  
**SSA:** Short-stay accommodation  
**STA:** Short-term accommodation  
**STRA:** Short-term rental accommodation  
**STR:** Short-term rental  
**TRA:** Tourism Research Australia

## Appendix A: Benchmarking interviews and external stakeholder meetings

**Table 8: SSAT benchmarking interviews with other jurisdictions**

	Meeting	Date/s
1	Sunshine Coast Council	4 August 2023
2	City of Sydney	15 August 2023
3	City of Melbourne	17 August 2023 and 9 January 2024
4	Mornington Peninsula Shire	18 August 2023
5	Hobart City Council	18 August 2023
6	Noosa Shire Council	21 August 2023 and 15 November 2023
7	City of Adelaide	22 August 2023
8	Cairns Regional Council	22 August 2023
9	City of Darwin	31 August 2023
10	Consumer Affairs Victoria	31 August 2023
11	New South Wales Government - Department of Planning	4 September 2023
12	Ipswich City Council	15 September 2023
13	City of Gold Coast	15 September 2023
14	Tasmanian State Planning Office -Department of Premier and Cabinet	18 September 2023 and 30 October 2023
15	Government of the Australian Capital Territory	20 September 2023
16	Moreton Bay Regional Council	27 September 2023
17	Byron Bay Shire Council	6 October 2023 and 8 November 2023
18	City of Perth	11 October 2023
19	Government of Western Australia - Department of Planning, Lands and Heritage	12 October 2023
20	Government of Western Australia - Department of Mines, Industry Regulation and Safety	12 October 2023
21	Vancouver City Council	17 November 2023
22	Los Angeles City Council	10 April 2024

**Table 9: SSAT meetings and briefings with external stakeholders**

	Meeting	Date/s
1	AirDNA	25 July 2023
2	Inside Airbnb	9 August 2023
3	Australian Housing and Urban Research Institute	10 August 2023 and 23 September 2023
4	The University of Sydney	18 August 2023
5	Unit Owners Association of Queensland Inc.	22 August 2023
6	Economic Development Queensland	23 August 2023
7	Property Investment Professionals of Australia	24 August 2023
8	Property Investors Council of Australia	24 August 2023
9	Strata Community Association (Qld)	25 August 2023
10	Planning Institute of Australia	29 August 2023
11	Expedia Group	31 August 2023
12	Property Council of Australia	1 September 2023
13	Riverpoint Apartment Body Corporate	4 September 2023
14	Queensland Government – Department of State Development, Infrastructure, Local Government and Planning	4 September 2023 and 31 October 2023
15	Queensland Government – Department of Housing, Local Government, Planning and Public Works	5 September 2023
16	Australian Apartment Advocacy	5 September 2023
17	Residential Tenancies Authority	5 September 2023
18	Local Government Association of Queensland	5 September 2023, 8 November 2023 and 14 December 2023
19	Spice Apartments Body Corporate	6 September 2023
20	Queensland Government, Office of the Commissioner for Body Corporate and Community Management	7 September 2023
21	Airbnb	7 September 2023 and 9 January 2024
22	Short Term Accommodation Association Australia	8 September 2023, 12 December 2023 and 11 January 2024
23	Real Estate Institute of Queensland	19 September 2023
24	Queensland Government – Department of Tourism and Sport	19 September 2023 and 21 May 2024
25	Queensland Hotels Association	4 October 2023
26	Queensland Government – Department of Energy and Public Works	4 October 2023
27	The University of Queensland	5 October 2023 and 24 May 2024
28	Queensland Tourism Industry Council	9 October 2023
29	Owners Corporation Network	9 October 2023
30	Australia and New Zealand Short Term Rental Association	17 October 2023 and 11 December 2023
31	Brisbane Economic Development Agency	19 October 2023 and 20 March 2024
32	Booking.com	23 October 2023
33	Australian Tax Office	2 November 2023
34	Tenac Solutions	15 December 2023
35	President, Sandgate Bayside Chamber of Commerce	15 February 2024
36	Council of Mayors South East Queensland	4 March 2024

## Appendix B: Airbnb listing data – constraints, cleansing and processing methodology

The full dataset that was sourced by the Taskforce contained approximately 247,000 entries pertaining to Airbnb listings in the Brisbane LGA, which contained duplicates generated from multiple scrapes of the same listing or the same listing with various fields slightly modified.

For the purposes of best extracting and representing the current active Airbnb listings in the region, various data cleansing techniques have been applied. Whilst these techniques have allowed for a general trend analysis of current Airbnb listings in the Brisbane LGA, total counts of listings should not be relied upon as exact or accurate counts of properties or rooms currently being rented through the Airbnb platform. Constraints within the data scraping processes that have been adopted should also be considered to somewhat limit the accuracy of the listing data.

**Figure 8** details the data cleansing and processing methodology applied for the purposes of this research to best approximate the current active Airbnb listings in the Brisbane LGA. An active listing has been assumed to be any property or room listing that has at least one day booked or available to be booked in the following 90 days from when the listing was scraped on 7 July 2023. Based on the specific data cleansing methodology applied for the purposes of this analysis, it was found that there were 3,497 entries that were identified to be unique, active Airbnb listings available to be booked within the next 90 days contained within the Brisbane LGA.

Some of the key limitations that should be considered when analysing this Airbnb listing data include the following.

### **Hosted and non-hosted**

The web scrape data does not include information about whether the property listing will have the host on site. The implication being that those entire home/apartment listings are properties which would most likely non-hosted.

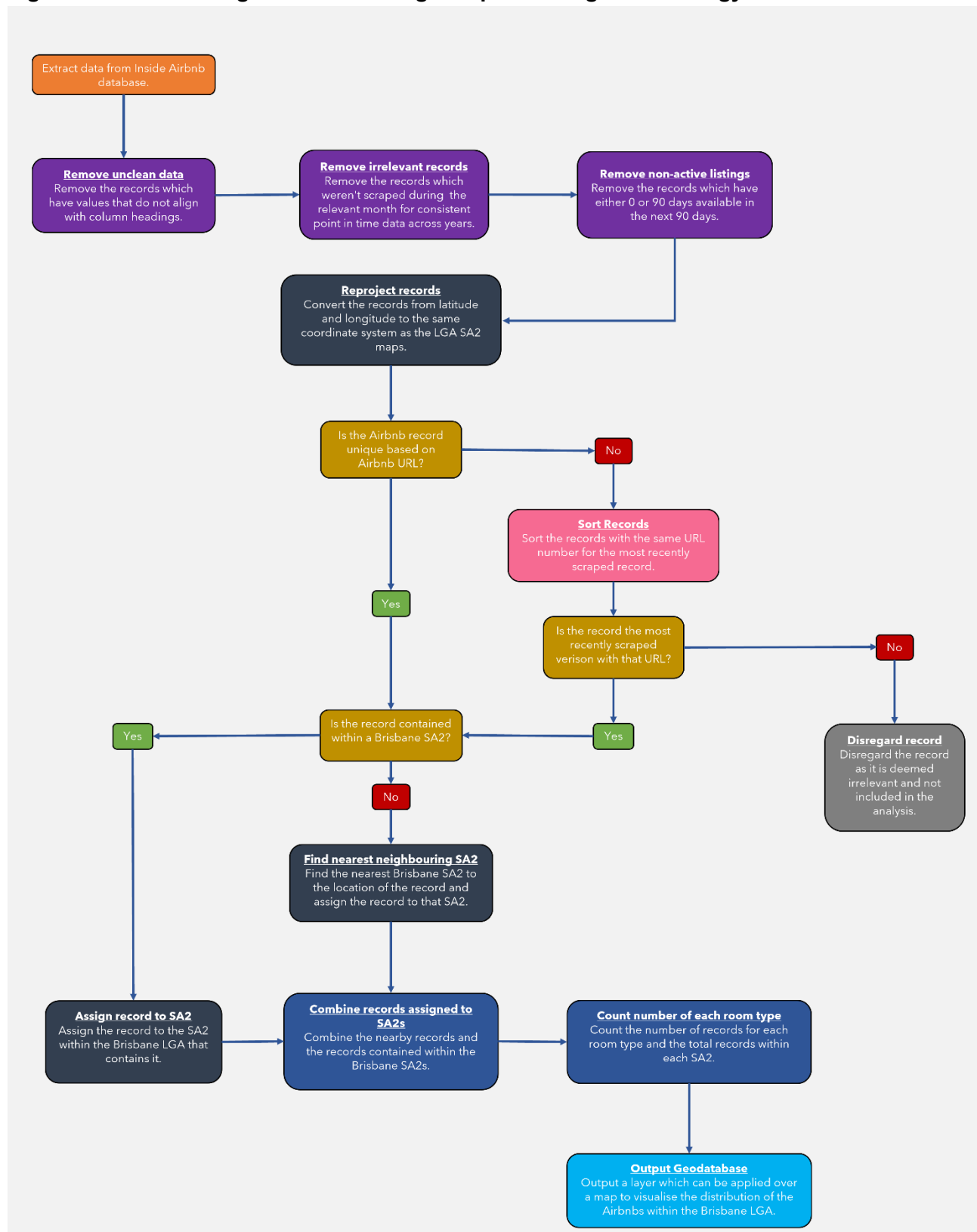
### **Precise location of the listing**

The scope of the scraped information available for each listing is limited to that which is publicly accessible via the Airbnb website and obtainable by Inside Airbnb. In many instances only the general proximity of the property has been listed on the platform by the property owner due to privacy and security concerns. Subsequently, some of the latitude and longitude coordinates extracted from the map application during the scrape may be displaced from the actual location of the property. For example, when analysing the data it was noted that some listings were reported to be located on top of the Brisbane River. In these instances, the listing has been attributed to the closest SA2, however it is noted that this displacement of latitude and longitude coordinates also has the potential to compromise the accuracy of listings reported to be located close to the boundaries of SA2s.

### **Monitored but not an active listing**

Airbnb listings may be monitored but not fall into the conventional active listing categorisation. The owner of the listing may not utilise and update the availability of the room using the calendar on Airbnb but may still rent out the property after establishing contact through Airbnb. This could result in the listing being categorised as non-active and resulting in the record being excluded from the analysis.

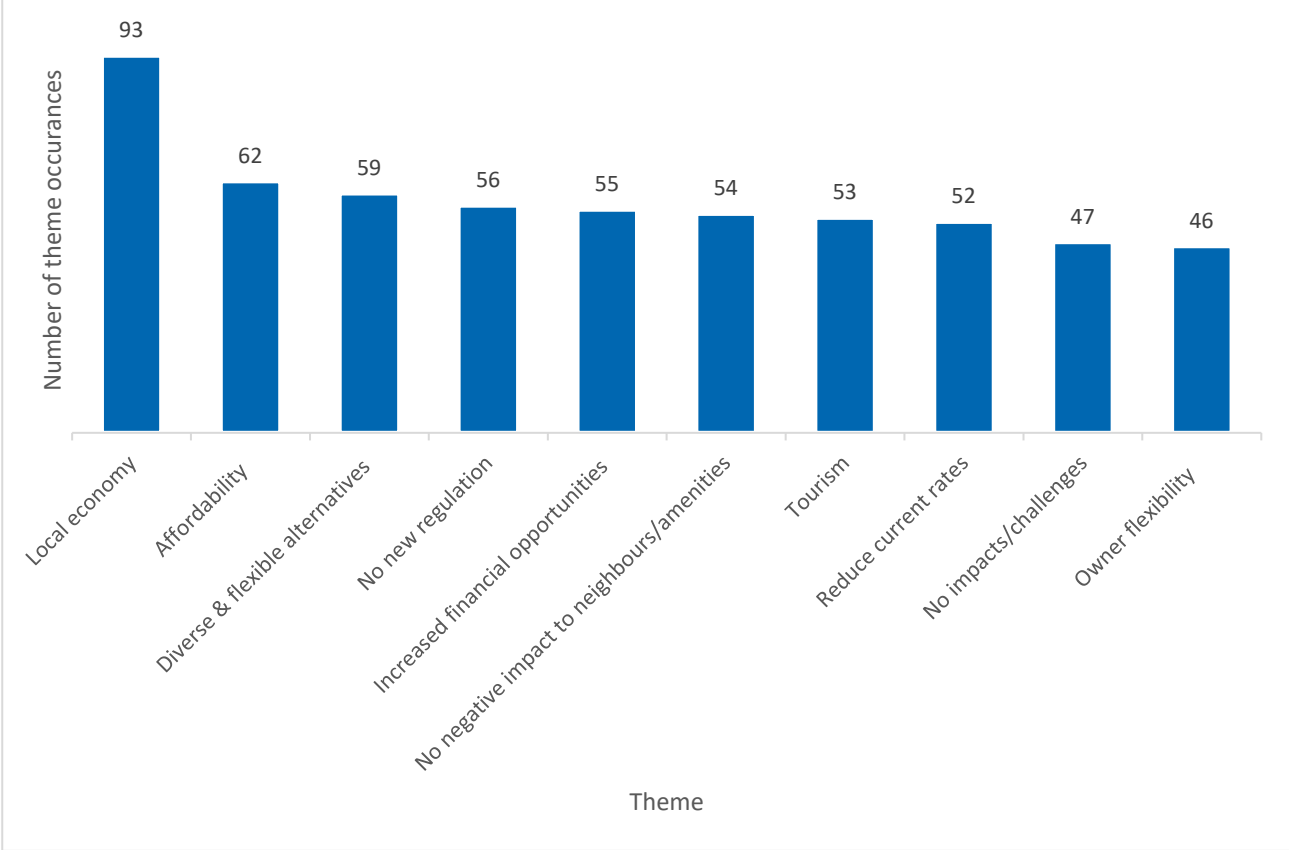
**Figure 8: Airbnb listing data – cleansing and processing methodology**



Source: Economic Development, Brisbane City Council.

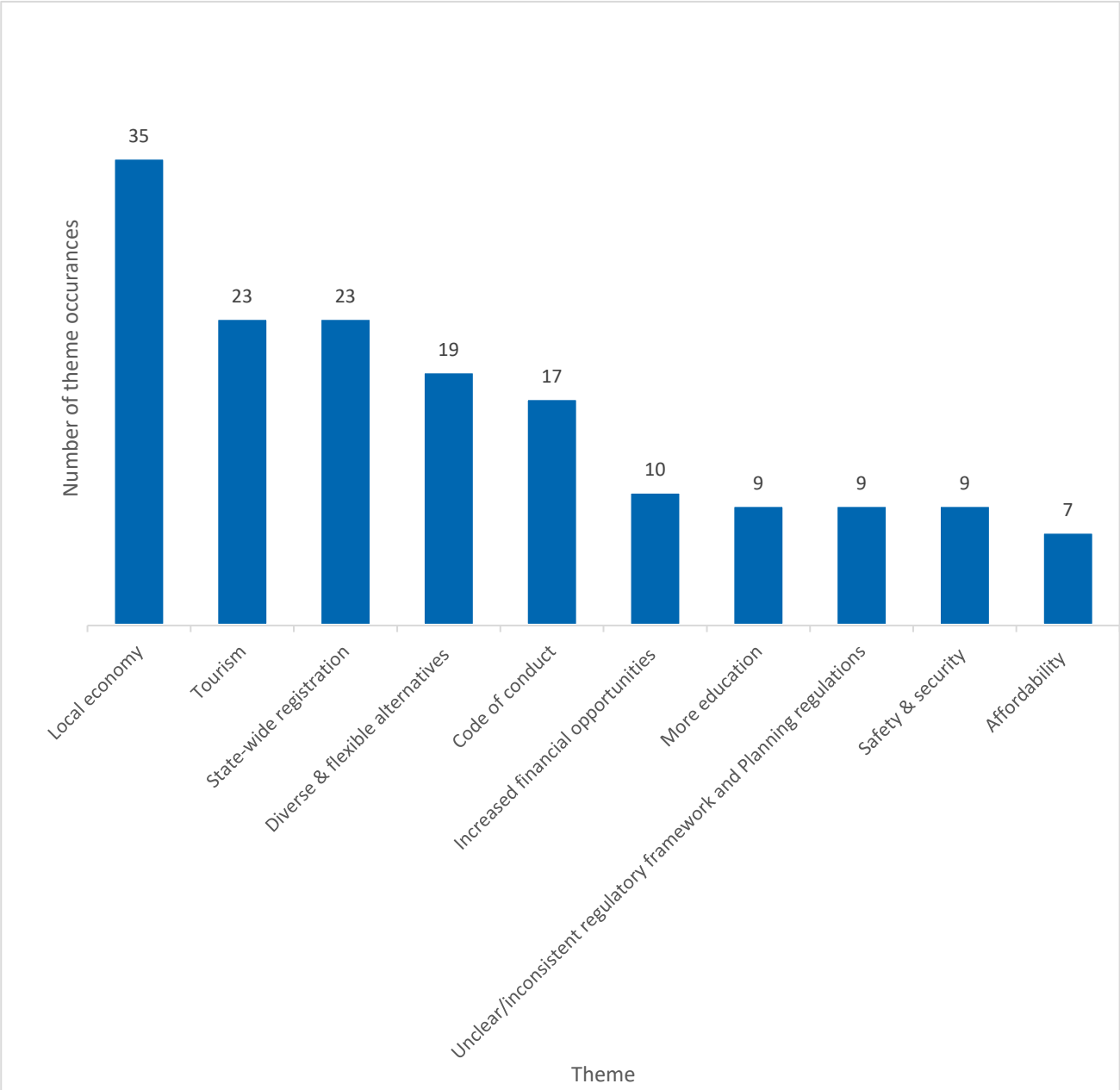
Appendix C: Key themes for each survey interest group

Graph 36: Key themes – owners/managers of SSA

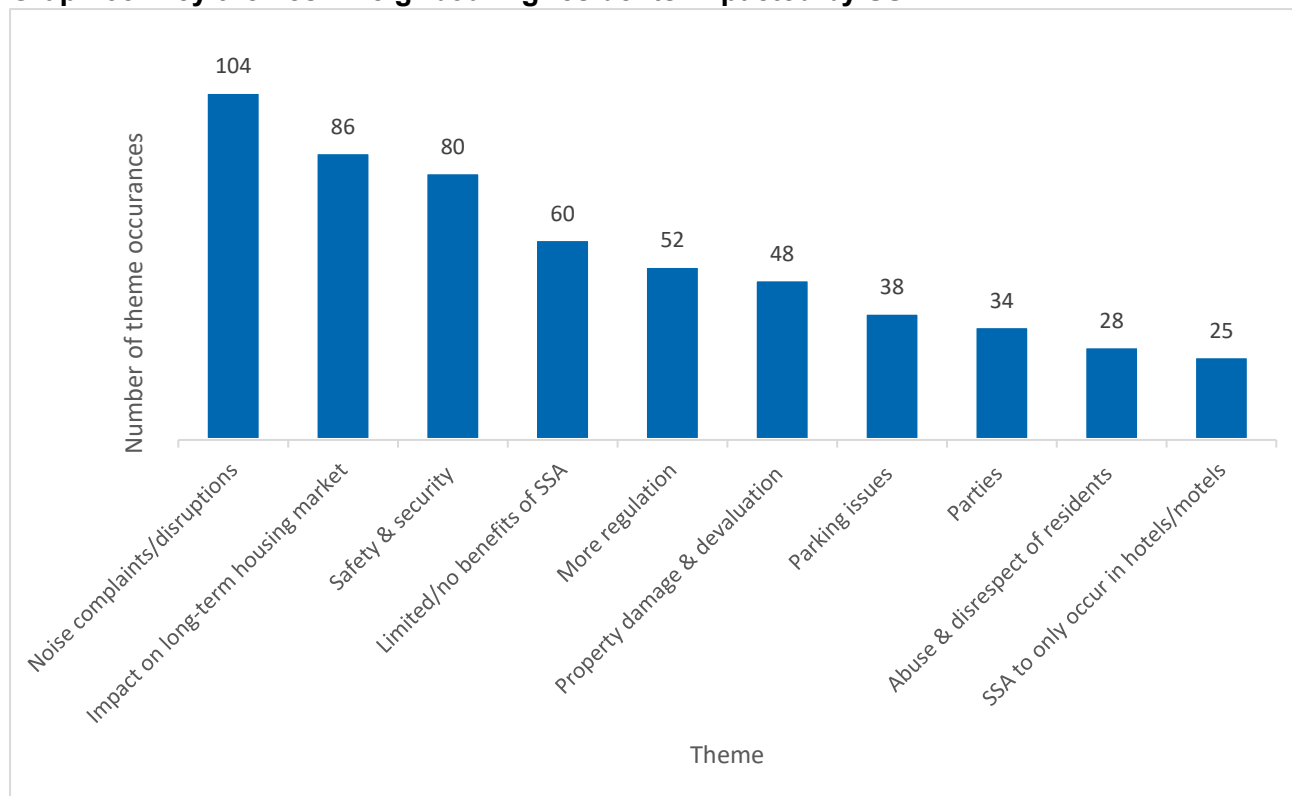




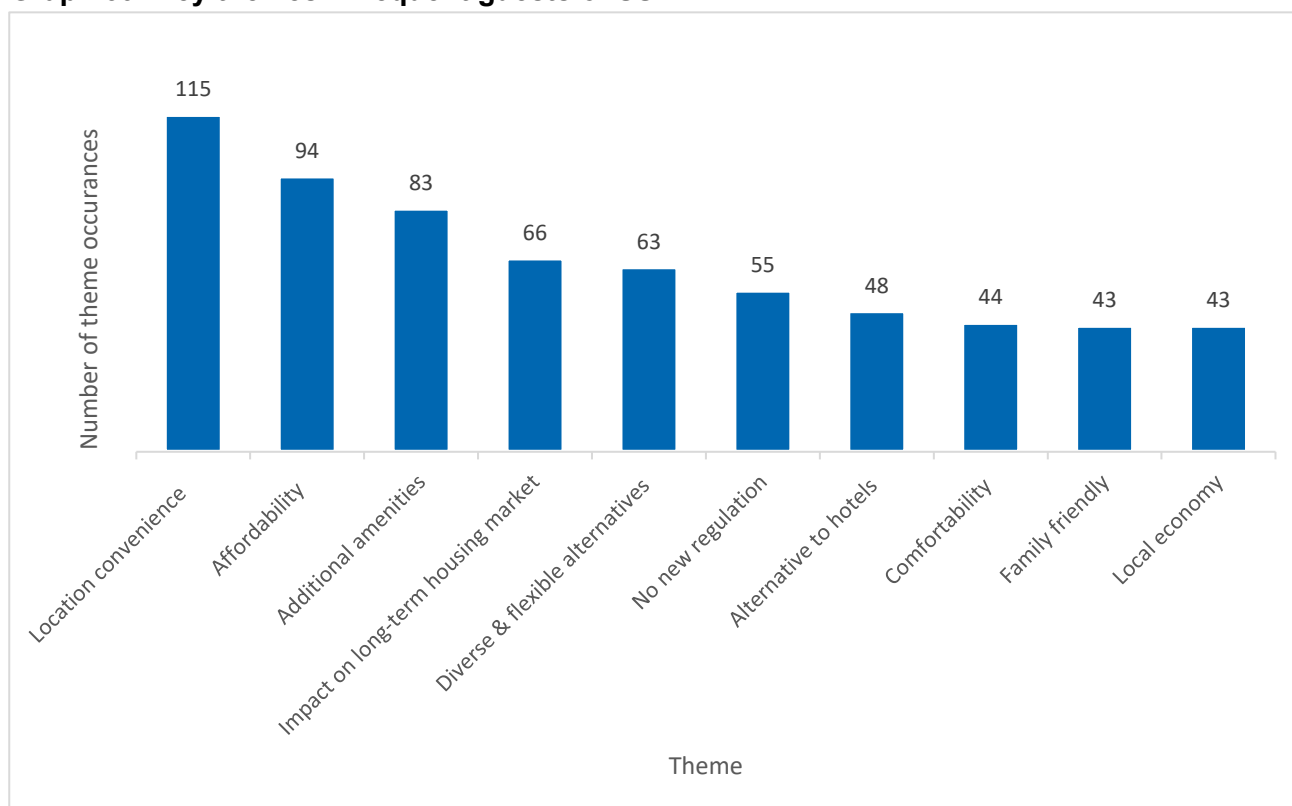
Graph 37: Key themes – industry, business and government representatives



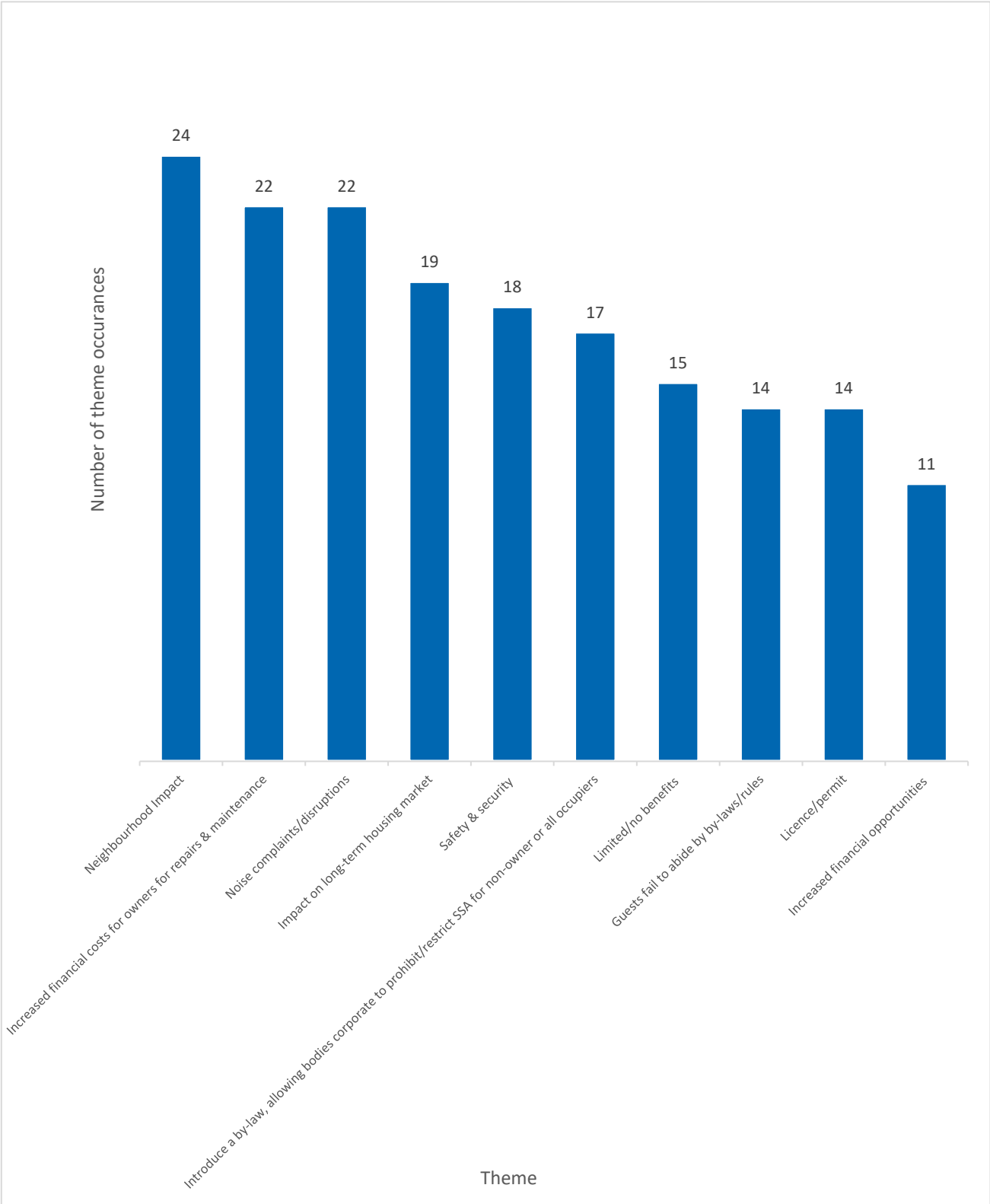
**Graph 38: Key themes – neighbouring residents impacted by SSA**



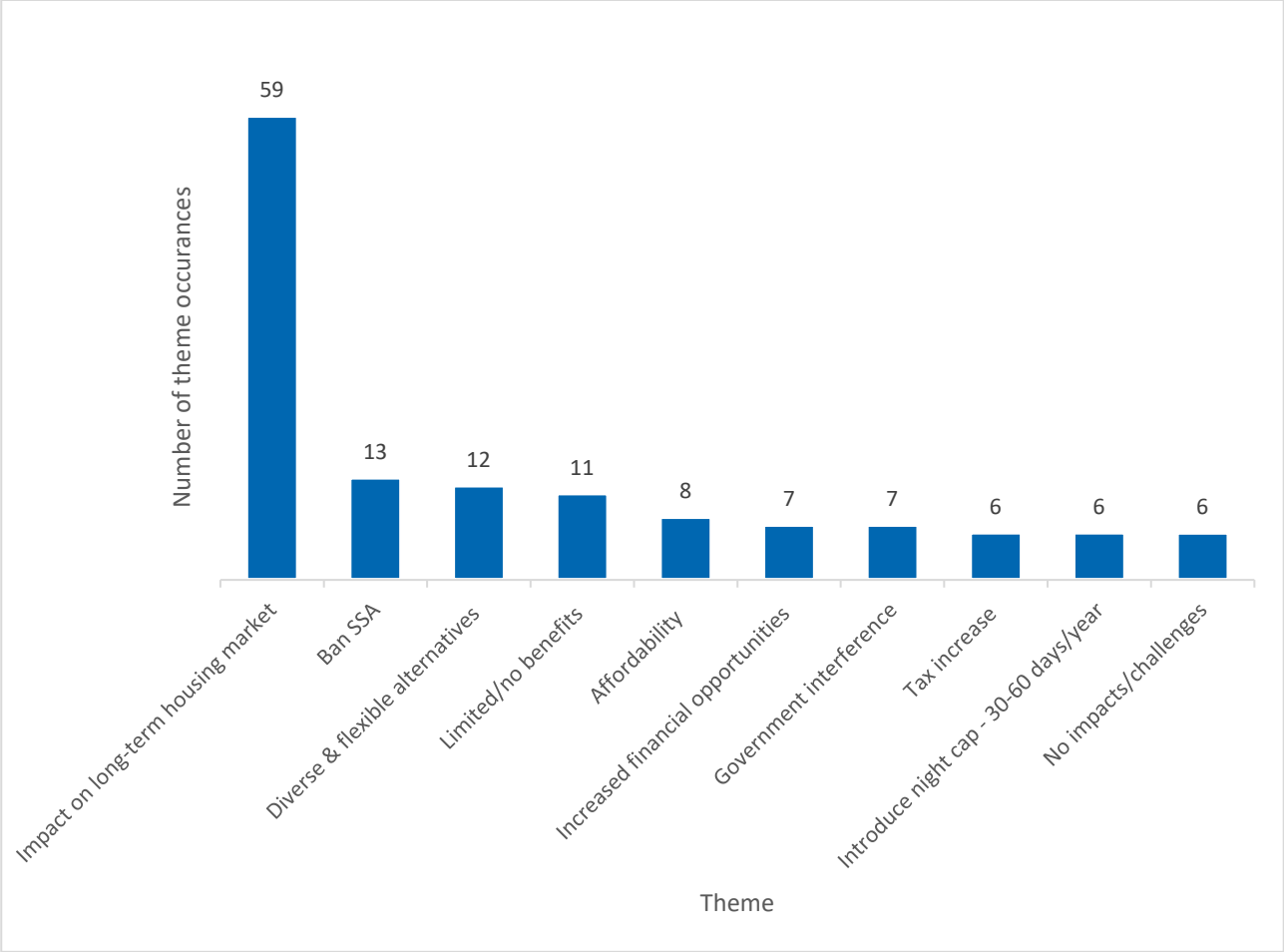
**Graph 39: Key themes – frequent guests of SSA**



Graph 40: Key themes – building managers or members of bodies corporate



Graph 41: Key themes – ‘none of the above’



## Appendix D: Table summarising international benchmarking results

International benchmarks		
Amsterdam <sup>121</sup>		<ul style="list-style-type: none"> <li>• Limit of 30 days per year for SSA for entire homes</li> <li>• Must be registered with the city</li> <li>• Must not be for a period of less than 7 days</li> <li>• Max 4 persons</li> <li>• Bed and breakfast permit required for home-hosted. No night limit</li> <li>• Tourist tax collected from guests that reside outside Amsterdam</li> </ul>
Auckland <sup>122</sup>		<ul style="list-style-type: none"> <li>• SSA of more than 28 nights each year pay business rates</li> <li>• The business rates will depend on the number of nights a property is booked, the local broad area of property and its capital value</li> <li>• Some home-hosted SSA may meet the criteria for business rates</li> <li>• Certain zones under the <i>Auckland Unitary Plan</i> may restrict or prohibit SSA</li> </ul>
Barcelona <sup>123</sup>	<ul style="list-style-type: none"> <li>• Saturation of tourist rooms</li> <li>• Amenity impacts</li> <li>• Preservation of the social function of housing</li> </ul>	<ul style="list-style-type: none"> <li>• Ban on hosted SSA rented for 31 days or less</li> <li>• A tourist house licence is required for non-hosted SSA</li> <li>• Licence number to be given with the listing</li> <li>• Guests and neighbours given 24/7 contact number</li> </ul>
Berlin <sup>124</sup>		<ul style="list-style-type: none"> <li>• Permit for SSA required</li> <li>• Owner-occupied can be SSA when the owner is away</li> <li>• Maximum of 90 days for non-hosted</li> <li>• Registration number must be advertised on listing</li> <li>• No permit required if a maximum of 49% of the owner-occupied dwelling is used for SSA</li> <li>• Permission is subject to a test of the private interest of the owner and the public interest in preserving housing</li> </ul>

<sup>121</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 37–57; A Gowling, *Amsterdam will now permit short-stay rentals*, I am Expat, 2014, <https://www.iamexpat.nl/housing/real-estate-news/amsterdam-will-now-permit-short-stay-rentals>; T Van Vugt, *Court Ruling: Short Stay Let of Amsterdam Apartments to Tourists is Not Permitted*, AMS Advocaten, 2013, <https://www.amsadvocaten.com/blog/dutch-property-law/court-ruling-short-stay-rental-of-amsterdam-apartment-not-permitted/>

<sup>122</sup> Auckland Council, *Rating of providers of online accommodation properties*, New Zealand Government, <https://www.aucklandcouncil.govt.nz/property-rates-valuations/your-rates-bill/Pages/accommodation-provider-targeted-rate.aspx>; Hosty, *Ultimate Guide for Hosts on Airbnb Regulation in Auckland*, Hosty, <https://www.hostyapp.com/airbnb-regulation-in-auckland-new-zealand/#:~:text=The%20Auckland%20Unitary%20Plan%2C%20a,altogether%20prohibit%20short%2Dterm%20rentals.>

<sup>123</sup> Barcelona City Council, *Barcelona will maintain the ban on renting tourist rooms*, Press Service Barcelona City Council, 2021, <https://ajuntament.barcelona.cat/premsa/2021/08/04/barcelona-mantindra-la-prohibicio-del-lloguer-dhabitacions-turistiques/>; P McClanahan, *Barcelona Takes on Airbnb*, The New York Times, 2021, <https://www.nytimes.com/2021/09/22/travel/barcelona-airbnb.html>; R Pena, *Barcelona Airbnb Rules*, Airbtics, 2023, <https://airbtics.com/airbnb-regulation-in-barcelona/>; Barcelona City Council, *Before you rent any tourist accommodation check it's legal*, Barcelona City Council, <https://meet.barcelona.cat/habitatge/turistics/en>; S Eminson, *Short-term rental regulations in Barcelona*, Travelnest, 2022, <https://travelnest.com/news-and-insights/short-term-rental-regulations-in-barcelona>

<sup>124</sup> City of Berlin, *Holiday apartment rental – Apply for temporary rental of your main apartment or secondary apartment in Berlin*, Service Portal Berlin, <https://service.berlin.de/dienstleistung/328146/>; Airbnb, *Berlin*, rules Airbnb, <https://www.airbnb.com/au/help/article/854#:~:text=According%20to%20the%20regulations%2C%20hosts,is%20attache d%20to%20your%20permit>

Christchurch <sup>125</sup>		<ul style="list-style-type: none"> <li>Hosted SSA has no limits</li> <li>Unhosted has a max of 60 nights per annum within a residential zone and 180 nights within a rural zone</li> <li>Max 8 guests</li> <li>Neighbours must be informed of the nominated person who is managing the property to respond to complaints</li> <li>Council must be notified prior to starting the activity</li> <li>SSA outside these parameters require resource (planning) consent under the <i>Christchurch District Plan</i></li> </ul>
Edinburgh <sup>126</sup>		<ul style="list-style-type: none"> <li>From 1 October 2023, operators must have a licence before offering SSA</li> <li>Operating without a short-term let licence is a criminal offence. Fines of £2,500 may apply and operators may be banned from applying for a licence for a year</li> <li>Property must meet required safety standards</li> <li>Non-hosted SSA requires planning permission under s26B of the <i>Town and Country Planning (Scotland) Act 1997</i> and <i>The Town and Country Planning (Short-Term Let Control Areas) (Scotland) Regulations 2021</i></li> </ul>
Las Vegas <sup>127</sup>		<ul style="list-style-type: none"> <li>SSA defined as leasing a residential dwelling for periods of 30 days or less</li> <li>All SSA is required to obtain a business licence from the City</li> <li>Limited to owner-occupied homes that are 3 bedrooms or less, at least 660ft from another SSA and must comply with licensing, noise and parking regulations</li> <li>Special events and parties are prohibited</li> <li>24/7 complaint hotline</li> <li>Noise that can be heard 50ft from the property boundary is a violation of the <i>Las Vegas Municipal Code</i></li> </ul>
London <sup>128</sup>		<ul style="list-style-type: none"> <li>Maximum of 90 nights for SSA unless planning permission is granted</li> <li>Rent a room scheme allows tax free earnings of up to £7,500 per annum</li> </ul>
Los Angeles <sup>129</sup>	<ul style="list-style-type: none"> <li>Housing supply</li> </ul>	<ul style="list-style-type: none"> <li>Introduced Home-Sharing Ordinance in December 2018</li> <li>SSA is restricted to primary residences (where the resident lives there for more than 6 months per year)</li> </ul>

<sup>125</sup> Christchurch City Council, *Providing visitor accommodation in a residential unit*, Christchurch City Council, <https://ccc.govt.nz/consents-and-licence/s/resource-consents/resource-consent-activities/residential-and-housing/providing-guest-accommodation>

<sup>126</sup> The City of Edinburgh Council, *Short-term lets in Edinburgh*, the City of Edinburgh Council, 2023, <https://www.edinburgh.gov.uk/shorttermlets>; The City of Edinburgh Council, 'Short-term let guidance notes – Civic Government (Scotland) Act 1982 (Licensing of Short-Term Let Licence)', *the City of Edinburgh Council*, 2023, pp. 1–7; The Scottish Government, *Short-term lets now require a licence*, the Scottish Government, 2023, [https://shorttermlets.campaign.gov.scot/?utm\\_source=redirect&utm\\_medium=shorturl&utm\\_campaign=shorttermlets](https://shorttermlets.campaign.gov.scot/?utm_source=redirect&utm_medium=shorturl&utm_campaign=shorttermlets)

<sup>127</sup> City of Las Vegas, *Short Term Rentals FAQ*, City of Las Vegas, 2020, <https://www.lasvegasnevada.gov/News/Blog/Detail/short-term-rentals-faq#:~:text=Short%2Dterm%20Residential%20Rentals%20are,waivers%20or%20deviations%20are%20allowed>

<sup>128</sup> Mayor of London, *Short term and holiday lets in London*, Greater London Authority, <https://www.london.gov.uk/programmes-strategies/housing-and-land/improving-private-rented-sector/short-term-and-holiday-lets-london>; Government of the United Kingdom, *Rent a room in your home*, UK Government, <https://www.gov.uk/rent-room-in-your-home/the-rent-a-room-scheme>

<sup>129</sup> City of Los Angeles Department of City Planning, *Home-Sharing*, City of Los Angeles, 2023, <https://planning.lacity.gov/plans-policies/initiatives-policies/home-sharing>



		<ul style="list-style-type: none"> <li>• Must register with the City and post registration number on all listings</li> <li>• Maximum of 120 nights in a calendar year, unless extended home-sharing permission is granted</li> </ul>
New York <sup>130</sup>	<ul style="list-style-type: none"> <li>• Housing shortages</li> </ul>	<ul style="list-style-type: none"> <li>• Introduced Multiple Dwelling Law in 2016</li> <li>• Introduced Local Law 18 in 2022</li> <li>• SSA of less than 30 days are prohibited unless the permanent resident is present during the rental</li> <li>• Max 2 guests</li> <li>• Required to be registered with the Office of Special Enforcement</li> <li>• Registration number to be included on all advertisements</li> <li>• Online booking platforms to verify listing data</li> </ul>
Palma de Mallorca, Spain <sup>131</sup>		<ul style="list-style-type: none"> <li>• No new holiday rental licences being issued (until at least 2026)</li> <li>• Island councils given 4 years to examine the burden of tourism in their area and develop plans for the allocation of licences and the number of guest beds</li> <li>• Only applications for licences submitted before 11 February 2022 will be processed</li> <li>• Existing licences may continue and can be sold with the property, but the number of beds on offer cannot change</li> </ul>
Paris <sup>132</sup>		<ul style="list-style-type: none"> <li>• STRA is restricted to primary residences, for up to 120 days per year</li> <li>• Must register with the Town Hall</li> <li>• Every advert must have a registration number</li> <li>• Each year, platforms must send the city a list of properties and the number of nights used</li> <li>• Secondary residences must seek authorisation from the first night of rental</li> <li>• Hosts who convert residential properties to unhosted STRA (rented more than 120 days annually) must register this as a commercial property</li> <li>• Additionally, hosts are required to purchase and convert commercial property of the same size into residential property</li> </ul>

<sup>130</sup> Mayor's Office of Special Enforcement, 'Notice of Adoption of Final Rules Governing Registration and Requirements for Short-Term Rentals', *New York City Council*, 2023, pp. 1–27; A Hoover, *New York's Ban Is Descending Into Pure Chaos*, *Wired*, 2023, <https://www.wired.com/story/airbnb-ban-new-york-illegal-listings/>; N Diller, *New York is about to crack down on short-term rentals. Here's what travellers should know*, *USA Today*, 2023, <https://www.usatoday.com/story/travel/news/2023/08/25/new-york-law-airbnb-vrbo/70670581007/>; A Hoover, *The End of Airbnb in New York*, *Wired*, 2023, <https://www.wired.com/story/airbnb-ban-new-york-city/>; T Williams, *New York is cracking down on Airbnbs to ease housing pressures. Here's how The Big Apple and other cities are regulating short-term rentals*, *ABC News*, 2023, <https://www.abc.net.au/news/2023-09-07/new-york-airbnb-crackdown-major-cities-short-term-rentals/102825318>

<sup>131</sup> Porta Mallorquina, *Holiday rentals Mallorca – New Laws for Holiday Rentals in Mallorca*, Porta Mallorquina, 2023, <https://www.portamallorquina.com/blog/holiday-rentals-mallorca-regulations/>

<sup>132</sup> L Crommelin, L Troy, C Martin & S Parkinson, 'Technological disruption in private housing markets: the case of Airbnb', *AHURI*, 2018, pp. 1–7; 56Paris Team, *Are Paris Airbnb Rentals Allowed?*, 56Paris, 2022, <https://56paris.com/en/are-paris-airbnb-rentals-allowed/>; 56Paris Team, *Paris Airbnb Ruling Update*, 56Paris, 2021, <https://56paris.com/en/paris-airbnb-ruling-update/>; 56Paris Team, *Airbnb Rentals in France*, 56Paris, 2021, <https://56paris.com/en/airbnb-rentals-in-france/>; Hostaway, *Airbnb Rules In France: Laws, Regulations and Taxes*, Hostaway, <https://www.hostaway.com/blog/airbnb-rules-in-france/>; Prof. S Bond, Prof. A Rambaldi, Prof. J Corcoran, Assoc. Prof. T Sigler & Dr. F Zou, 'A Review of the Impacts of Short-term Rental Accommodation in Queensland', *the University of Queensland*, June 2023, pp. 5–114.

San Francisco <sup>133</sup>	<ul style="list-style-type: none"> <li>Housing supply</li> </ul>	<ul style="list-style-type: none"> <li>Must register with the Office of Short Term Rentals and the Treasurer &amp; Tax Collector's Office and obtain a Business Registration Certificate</li> <li>No limits for hosted SSA</li> <li>Unhosted SSA limited to 90 nights per calendar year</li> <li>If in a multi-unit building, operators can only register the apartment in which they reside and can only conduct hosted SSA</li> <li>Must have property liability insurance</li> <li>If a tenant, must not make more than the monthly rent from hosted SSA</li> <li>14% tax to be collected from guests who stay less than 30 days</li> </ul>
Vancouver <sup>134</sup>	<ul style="list-style-type: none"> <li>Housing availability and affordability</li> <li>Neighbourhood amenity</li> <li>Support tourism and large events</li> <li>Regulatory equity</li> <li>Compliance</li> </ul>	<ul style="list-style-type: none"> <li>Only permitted in principal place of residence</li> <li>Requires a licence (since 2018)</li> <li>Licence reference number to be on listing</li> <li>Need a letter of authorisation from bodies corporate to state that by-laws allow STRs</li> </ul>

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

<sup>133</sup> Z Thiha Tun, M James & A Bellucco-Chatham, *Top Cities Where Airbnb is Legal or Illegal*, Investopedia, 2023, <https://www.investopedia.com/articles/investing/083115/top-cities-where-airbnb-legal-or-illegal.asp>; City and County of San Francisco Office of Small Business and the Planning Department Office of Short-Term Rental, *Guide to opening a short-term residential rental*, City and County of San Francisco, <https://www.sf.gov/guide-opening-short-term-residential-rental>; San Francisco Planning Office of Short-Term Rentals, *Office of Short-Term Rentals*, San Francisco Planning, <https://sfplanning.org/office-short-term-rentals>; San Francisco Planning Office of Short-Term Rentals, *FAQs on Short-Term Rentals*, San Francisco Planning, <https://sfplanning.org/str/faqs-short-term-rentals>

<sup>134</sup> City of Vancouver, *Short-term rental business licence*, City of Vancouver, 2024, <https://vancouver.ca/doing-business/short-term-rentals.aspx>; City of Vancouver, 'An overview of the short-term rental market in Vancouver from January – December 2021: Including key highlights and the impact of the COVID-19 pandemic', *City of Vancouver*, 2022, pp. 1–3.



















## Appendix E: Tables summarising the categories of development and assessment for short-term accommodation activities in City Plan





**Table 10: Table summarising the categories of development and assessment for STA in City Plan**

Zone	Accepted Development	Assessable Development (code)	Assessable Development (impact)
Low density residential zone			✓
Low-medium density residential zone		<p>✓</p> <p>If in the up to 3-storey zone precinct or the 2 or 3 mix zone precinct and fronting an arterial or suburban road, where compliant with height requirements</p>	<p>✓</p> <p>If not in the up to 3-storey zone precinct or the 2 or 3 mix zone precinct, or if in one of those zones but <b>not</b> fronting an arterial or suburban road or <b>not</b> compliant with height requirements</p>
Medium density residential zone		<p>✓</p> <p>Where compliant with height requirements</p>	<p>✓</p> <p>Where not compliant with height requirements</p>
High density residential zone		<p>✓</p> <p>Where compliant with height requirements</p>	<p>✓</p> <p>Where not compliant with height requirements</p>
Character residential zone			✓
Tourist accommodation zone		<p>✓</p> <p>If within an existing premises</p>	<p>✓</p> <p>If within a new premises</p>
Principal centre zone	<p>✓</p> <p>If in an existing premises with no increase to floor area and complying with all acceptable outcomes in Section A of the Centre or mixed use code</p>	<p>✓</p> <p>If in an existing premises with no increase in floor area but <b>not</b> complying with all acceptable outcomes of Section A in the Centre or mixed use code or a new premises or existing premises with an increase in floor area and compliant with built form and storeys requirements</p>	<p>✓</p> <p>If not complying with all built form requirements</p>
Major centre zone	<p>✓</p> <p>If in an existing premises with no increase in floor area and complying with all acceptable outcomes in Section A of the Centre or mixed use code</p>	<p>✓</p> <p>If in an existing premises with no increase in floor area but <b>not</b> complying with all acceptable outcomes of Section A in the Centre or mixed use code or a new premises or existing premises with an increase in floor area and compliant with built form and storeys requirements</p>	<p>✓</p> <p>If not complying with all built form requirements</p>

Zone	Accepted Development	Assessable Development (code)	Assessable Development (impact)
District centre zone	 If in an existing premises with no increase in floor area and complying with all acceptable outcomes in Section A of the Centre or mixed use code	 If in an existing premises with no increase in floor area but <b>not</b> complying with all acceptable outcomes of Section A in the Centre or mixed use code or a new premises or existing premises with an increase in floor area and compliant with built form and storeys requirements	 If not complying with all built form requirements
Neighbourhood centre zone	 If in an existing premises with no increase in floor area and complying with all acceptable outcomes in Section A of the Centre or mixed use code	 If in an existing premises with no increase in floor area but <b>not</b> complying with all acceptable outcomes of Section A in the Centre or mixed use code or a new premises or existing premises with an increase in floor area and compliant with built form and storeys requirements	 If not complying with all built form requirements
Mixed use zone	 If in an existing premises and complying with all acceptable outcomes in Section A of the Centre or mixed use code	 If in an existing premises but <b>not</b> complying with all acceptable outcomes of Section A in the Centre or mixed use code or a new premises or existing premises with an increase in floor area and compliant with built form and storeys requirements	 If not complying with all built form requirements
Neighbourhood plans	Depends on the location		

**Table 11: Table summarising the categories of development and assessment for HBB in City Plan**

Zone	Accepted Development	Assessable Development (code)	Assessable Development (impact)
Low density residential zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Low-medium density residential zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Medium density residential zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
High density residential zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Character residential zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Tourist accommodation zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Principal centre zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Major centre zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
District centre zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	

Zone	Accepted Development	Assessable Development (code)	Assessable Development (impact)
Neighbourhood centre zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Mixed use zone	 If complying with all acceptable outcomes in the Home-based business code	 If <b>not</b> complying with all acceptable outcomes in the Home-based business code	
Neighbourhood plans	Depends on location		





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