

SYDNEY OPERA HOUSE – Temporary Experiential Accommodation

The proposal of the temporary use of select areas of the Sydney Opera House for experiential accommodation seeks the conversion of a number of rooms and spaces within the building that are currently occupied by offices or are public foyer (function) spaces, each with access to toilet/washbasin (not shower) amenities. The proposed temporary use will be associated with *“special promotional events”* and involve the installation of temporary furnishings and fittings.

The Project Type is classified as a *‘State Significant Site’*.

The Submission by the Sydney Opera House Trust is understood to have been lodged directly with the Minister for Planning and Environment, rather than the Department.

Airbnb is of course a major lobbyist and is seeking the NSW State Parliament’s approval to access every residential home across New South Wales for the purposes of commercial short-term holiday rentals.

Airbnb’s October 2015 International Press Release with the Sydney Opera House Trust, plus this Submission to hold *‘sleepovers’* at the Opera House, coincides with the Parliamentary Inquiry, also under Minister Stokes, into the *adequacy of the regulation of short-term holiday letting in New South Wales*.

Newspaper reports¹ claim that Sydney has 20,000 residential homes listed on *Airbnb* with 70,000 ‘Hosts’ Across Australia.

- *“Australia is the most penetrated (Airbnb) market in the world.”* *Airbnb’s* Sam McDonagh²

Airbnb’s Partnership agreement with The Sydney Opera House Trust in October 2015 drew such media coverage³ as, amongst other things:

- *“Airbnb and Sydney Opera House tout two year partnership.”*
- *“The deal means Airbnb will fund free, behind-the-scenes tours of the iconic destination...for thousands of Airbnb “superhosts”...”*
- *“A tourism icon on a par with the Eiffel tower or the Egyptian Pyramids...”*
- *“Airbnb is staying tight-lipped on what the rest of the promotion might entail, with the free tour offering just the first of a number of activations that will result.”*
- *“He (Sam McDonagh, Airbnb Australia Country Manager) called the partnership “one of the most important relationships we’ve entered into here...”*
- *“In other brand stunts this year it (Airbnb) added Ramsay Street to its listings...”*

Noted is the omission of any mention of *Airbnb* in this Submission made by the Sydney Opera House Trust to the Minister for the Department of Planning and the Environment to host *‘sleepovers’*.

A representative for Sydney Opera House CEO Louise Herron, confirms:

- *“It is envisaged that our sponsors, including Airbnb, may wish to partner with us to host such experiences.”* (Michelle Dixon, 12 September 2016.)

¹ <http://www.forbes.com/sites/niallmccarthy/2016/07/07/which-cities-have-the-most-airbnb-listings-infographic/#45b2131c69b5>

² <http://www.theaustralian.com.au/business/property/sydneys-eastern-suburbs-popular-with-australian-airbnb-users/news-story/44c628e64ec79e4d1a68d72e992888fc>

³ <http://www.adnews.com.au/news/airbnb-and-sydney-opera-house-tout-two-year-partnership>

Between July 1992 and September 2016 I worked for Opera Australia in the areas of Artistic and Technical Administration.

The Sydney Opera House Trust sought and succeeded in establishing details of my employer and source of income.

Following a telephone call from the Sydney Opera House, the CEO of Opera Australia instructed that: *"I do not have the right to a personal opinion on this matter* (my home/short-term rentals).

My employment with Opera Australia was discontinued on Thursday, 22 September 2016.

Since 2002 I have owned a *Residential* apartment located at 38-42 Bridge Street, Sydney; this is my primary place of residence.

The building into which I purchased was beset by short-term rentals since the time of its conversion from a commercial office building to Residential premises in 1999.

The NSW Parliamentary Hearing Committee inquiring into **the adequacy of the regulation of short-term holiday letting in New South Wales** is aware of the history of our Residential building - my Submission No. 22 to this Inquiry was described to me by the Hearing Committee Manager as *"the most graphic of the 212 Submissions received by the Parliament."*

I have been repeatedly threatened by State Parliamentarians and Senior Legal Practitioners for speaking out about short-term letting of Residential Housing; I would be *"named and shamed and hunted down and sued"*. I have been constantly discredited, both in my place of employment and within the Residential Community in which I live. Plus have received 32 threats of litigation/calls for costs against me and three anonymous telephone calls asking if I have *funeral insurance*.

In response to 3.5 years of lobbying from me on behalf of the residents at 38-42 Bridge Street, the City of Sydney sought and succeeded in obtaining Orders from the *NSW Land and Environment Court* which, as of 01 October 2015, has seen for the first time our building operating as a home for owner/occupiers and tenants.

Orders have also been obtained from the *New South Wales Civil and Administrative Tribunal* (NCAT) (File No: RT 15/37925 and RT 15/37922). The NCAT notes that those occupying premises (*Airbnb* and others' clients) under short-term tourist or visitor accommodation agreements are not Residential Tenancy Agreements.

I am in receipt of copies of correspondence from Members of the NSW Arts Community and the Hotel Industry to the SOH's Louise Herron. This correspondence is highly critical of the Opera House's *Partnership* with *Airbnb*.

CEO Louise Herron has to date:

- ***Failed to advise whether the Sydney Opera House Trust's Corporate Partnership with Airbnb was the result of any possible privileged information on any recommendations still to be made by the Parliamentary Hearing Committee Inquiry into the short-term letting of Residential Housing,***
- ***Not responded to questioning on whether or not the Sydney Opera House's Partnership with Airbnb was an attempt to sway the outcome of the Parliamentary Hearing Committee's Inquiry into the short-term letting of Residential Housing,***
- ***Not commented on whether or not the Sydney Opera House Trust considered the ramifications of its Partnership with Airbnb in the midst of a Parliamentary Inquiry,***
- ***Failed to confirm the value of the Airbnb sponsorship, both in real cash terms and contra arrangement,***
- ***Not responded to questions over whether or not Airbnb, at the request of the Sydney Opera House Trust and/or its Board Members and Associates, has made any donations or given gifts to any charities and/or projects favoured by the Sydney Opera House Trust and its associates – Airbnb is reported to have spent USD8 million lobbying San Francisco Legislators,***
- ***Failed to advise whether or not Airbnb will be involved in, or will profit in any way, shape or form whatsoever including, but not limited to, media coverage and recognition of people sleeping/staying in our Sydney Opera House, were the Minister for Planning and the Environment, Rob Stokes, to approve the Sydney Opera House's application to host 'sleepovers'***

The Residents of New South Wales are still awaiting the recommendations from the Parliamentary Hearing Committee Members.

As I no longer work for nor receive any income from Opera Australia, I am now free to advise that of the many members of the NSW Arts Community that I know who are aware of the Sydney Opera House's *'hook-up'* with *Airbnb*, their reactions are either of shock, horror or disgust that the Opera House would be used in such a fashion. One colleague went so far as to say:

"I am profoundly disappointed at what I consider to be a complete absence of ethos in the Sydney Opera House Trust's partnership decision and choices in this instance."

Others were more blunt, accusing the Opera House Trust of ***'pimping the SOH for purely commercial purposes and the insatiable greed of the short-term rental industry, and in particular, Airbnb'***.

In a telephone conversation last week with the Acting Director, Housing Policy, NSW Department of Planning & Environment, your colleague acknowledged the widespread and shocking impacts the Short-Term Rental of Residential Housing was having, both here in New South Wales and overseas.

I went on to emphasise with your colleague that data compiled on behalf of San Francisco's Financial Controller⁴ showed that for every residential house/apartment lost to short-term letting, that City suffered a net loss of between USD250,000 to USD300,000 per property every year.

Attached is a copy of an email sent some days ago to the Hon. Mark Coure MP, Member for Oatley and Chair of the Parliamentary Inquiry looking into short-term letting. The contents of this email are self-explanatory

- Had the NSW Gaming and Liquor Industry, or one specific branch of the Hotel Industry, sought to hold *'sleepovers'* at the Sydney Opera House, would the Minister for Planning and the Environment grant permission?
- Had the NSW Gaming and Liquor Industry, or one specific branch of the Hotel Industry, sought to take over our Residential Housing for commercial purposes, would the Minister for Planning and the Environment grant permission?

I do not believe this Submission by the Sydney Opera House Trust to host *'sleepovers'* is about Temporary Experiential Accommodation. I am firmly of the belief that this is bold and brazen marketing, pure and simple.

The timing of the Sydney Opera House Trust's *Partnership* with *Airbnb* is pure genius; evil genius.

Trish Burt
38-42 Bridge Street
SYDNEY NSW 2000

⁴ http://sfcontroller.org/sites/default/files/FileCenter/Documents/6458-150295_economic_impact_final.pdf?documentid=6457

From: Trish Burt
To: ElectorateOffice Oatley <ElectorateOffice.Oatley@parliament.nsw.gov.au>
Cc: **Sent:** Sunday, 25 September 2016
Subject: For the Personal Attention of Mark Coure - Parliamentary Inquiry into Short-Term Letting

The Hon. Mark Coure MP
Chairman
NSW Parliamentary Hearing Committee

Dear Mark Coure

Despite the 25 August email below, no response has been forthcoming from your Office to my correspondence regarding the Parliamentary Inquiry into the *adequacy of legislation covering the short-term letting of residential housing in New South Wales*.

The final witness to your Hearing Committee - Melbourne-based Jodi Wilmer of *Guest Ready* - writes that she was invited to appear before the Committee. Ms Wilmer spoke of how she coaches individuals to convert residential housing into short-term rentals; a Hearing Committee Member congratulated her on being '*innovative*'. Living a few blocks from Parliament House in a property beset for 18-years with large-scale short-term rentals, no one from our residential building was given the opportunity to address our Parliamentarians.

Airbnb has signed a sponsorship agreement with the Sydney Opera House Trust and the Trust has lodged a Submission directly with Minister Rob Stokes to hold '*Sleep Overs*' at the Opera House...all this, in the midst of a Parliamentary Inquiry under the same Minister.

A Hearing Committee Member has given a very clear indication that you will be recommending to Parliament that every residential home across NSW be made available to the short-term rental lobby group. Are you seriously about to throw out our '*world's best*' legislation and hand over our housing to *Stayz*, *Airbnb*, *HomeAway*, [Bookings.com](https://www.bookings.com) and the thousands of other Internet platforms providers?

Mr Coure, having read most of the Submissions and the Tweed transcript, plus having sat through the two days of Sydney hearings:

No acknowledgement seems to have been made of the NSW Land and Environment Court's repeated and consistent judgments that mixing short-term rentals with permanent residential occupancy is "*fundamentally incompatible*".

No consideration appears to have been given to the Planning Instruments and Titles on the residential housing other NSW Residents and I have purchased - no consideration of the Section 7(3) Strata Schemes (Freehold Development) Act 1973 & Section 88(B) Conveyancing Act 1919 - Restriction on Use of Land, plus the Determination of Development Application on the residential property in which others and I live which clearly states that the premises are for *permanent residential occupation only and not for the purposes of a hotel, motel, serviced apartments, tourist accommodation or the like* and that the residential premises must be *owner occupied or occupied by a tenant with a residential lease under the Residential Tenancy Act*. We have succeeded in obtaining LEC Orders on our homes - what becomes of these LEC Orders? And NCAT Orders confirm that short-term rentals are *not* residential tenancy agreements.

No mention was made of whether Local or State Government would be responsible for the payment of compensation should our property rights be retrospectively removed, or whether or not compensation will be capped. Where to live, if there are no longer *residential zones* in NSW?

No emphasis appears to have been placed on the '*three C's of good Planning*': clarity, consistency and certainty.

No monitoring appears to be taking place of the number of tenant evictions and displacement of essential workers so that landlords may convert residential housing into short-term tourists/visitor accommodation. '*Across Sydney...20,000 residential properties on Airbnb...*'

No representatives from Social Services, Homelessness, Disability, advocates for Aged Care, Domestic Violence Safe Housing etc were invited to make statements to the Parliamentary Hearing Committee, despite our affordable housing crisis and record numbers of homeless individuals right across NSW, the majority of who are women and children. No link appears to have been made of the impacts that short-term letting of residential housing has on homelessness.

No one from NSW Fire & Rescue^[1] was called upon to advise you and your Committee Members. We - NSW Residents - will not stand for what one hearing committee member has suggested could be a '*tweaking of fire regulations*' to facilitate short-term lets.

No disclosure seems to have been made of the numerous Members of State Parliament involved in and/or directly profiting from the short-term letting of *residential housing*. One example only is provided - see attached. This particular MP sold this property only three months or so ago. Premier Baird has other examples of other MPs: no STR properties or income listed on their Parliamentary Pecuniary Interest Declarations, properties short-term let held in the names of MPs wives etc.

No acknowledgement of nor commitment to emulate the work that other city and state legislators undertake to protect their residential housing stock and residents' inalienable rights to affordable, safe and stable housing in their chosen residential communities and neighbourhoods.

No thought given to short-term rental operators making donations or giving gifts to any charities and/or projects favoured by Members of State Parliament, given that *Airbnb* is reported to have spent some US\$8 million lobbying legislators in San Francisco.

Next to no data has been presented to the Hearing Committee: recently Byron Shire wrote that they have no data available on the status of their residential housing and Shoalhaven estimated some years ago that anywhere between 70-80 % of their residential housing was holiday lets of some description in certain areas of their Shire. No work appears to have been attempted to establish what percentage of residential housing in various local government regions across NSW is still occupied by either owner occupiers or tenants and what percentage of residential housing has been converted to short-term rentals.

Residential Housing is, by its very name and nature, for the housing of Residents.

Mark Coure, when will local government be mandated to enforce residential zoning?

Your Committee's recommendations to State Parliament and the Residents of New South Wales are awaited.

Sincerely

Trish Burt

[\[1\] http://www.smh.com.au/nsw/nsw-fire-certification-to-undergo-a-total-overhaul-after-damning-review-20160920-grkh5k.html](http://www.smh.com.au/nsw/nsw-fire-certification-to-undergo-a-total-overhaul-after-damning-review-20160920-grkh5k.html)

From: ElectorateOffice OatleyElectorateOffice.Oatley@parliament.nsw.gov.au
Cc: Flynn McDermott <Flynn.McDermott@parliament.nsw.gov.au>
Sent: Thursday, 25 August 2016, 8:58
Subject: Interim Response: Part 1 of 2 - For the Personal Attention of Mark Coure

Dear Ms Burt

Thank you for your recent email to Mr Mark Coure MP, Member for Oatley, which is regarding your above enquiry.

Mrs Flynn McDermott, our Senior Electorate Officer will arrange to respond to you shortly in respect to your enquiry, as soon as the Member has given some further consideration to your matter. Many Thanks.

Kind regards

**Violeta Becvarovski, Justice of Peace
Electorate Officer**

Office of Mark Coure MP | Member for Oatley

P: (02) 9580 9349 | F: (02) 9580 9103 |

A: 24 Pitt Street, Mortdale NSW 2223

P: PO Box 467, Hurstville BC NSW 1481