

Wingecarribee Shire Council

Holiday Rental Code of Conduct

Version 2 December 2014



Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203
e. wscmail@wsc.nsw.gov.au DX 4961 Bowral ABN 49 546 344 354

www.wsc.nsw.gov.au

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT

PART 1 – INTRODUCTION

1.1 Introduction

Holiday rental is a long established practice in Australia and serves a range of purposes. The short term rental of houses and apartments to holiday makers, workers and students makes an important contribution to the local as well as the broader State and National economy. Holiday rental is the term used to describe the rental of a dwelling for short periods, most commonly for weekends or a few weeks for holidays. Short term rental is also used by workers, students and the like who require residential accommodation for a limited period of time.

The use of a dwelling for the provision of holiday accommodation can be considered ancillary to the main use of the property. A dwelling is defined under Wingecarribee Local Environmental Plan 2010 (WLEP 2010) as *“a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.”*

Examples of dwellings include houses, villas, town houses, apartments and ‘granny flats’.

Holiday rental of a residential property is typically through a contract agreement rather than a tenancy agreement under relevant state or territory legislation.

Holiday rental of dwellings can make a positive sustainable contribution to local tourism and communities and should be managed so as to minimise any adverse social or environmental impacts. However in some areas, the increased use of dwellings for holiday rental accommodation has led to some impacts on residential amenity, such as in relation to noise, littering and car parking.

This Code of Conduct has been developed to provide a self-regulatory approach in the management of holiday rental accommodation. This approach has been used in some areas and has been found to be successful in managing amenity impacts associated with holiday rental. This Code of Conduct applies to dwelling properties that are rented for the purposes of holiday accommodation. This Code may be applied to short term rental for other purposes in due course.

This self-regulatory approach to Holiday Rental incorporates four components:

Part 1	This part outlines the objectives of this Code and why Council seeks the cooperation of Participating Organisations, Managers and Owners.
Part 2	This part outlines the expectations on Managers of Holiday Rental Properties.
Part 3	This part outlines the expectations on Owners, Managers and Guests through the Terms and Conditions of the contract between them.
Part 4	This part provides a framework for the development of House Rules for Visitors and Guests at a Property to ensure that the amenity of neighbouring properties is not adversely affected.

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1.2 Objectives of this Code

The objectives of this Code of Conduct are:

- (a) To establish acceptable standards of behaviour for Holiday Rental Guests and Visitors to minimise any adverse social or environmental impacts;
- (b) To assist Owners and Managers of Holiday Rental accommodation to meet the needs of all stakeholders including guests, neighbours, the local community, Council and government authorities; and
- (c) To inform the community of the standards of conduct expected from Holiday Rental Owners, Managers, Guests and Visitors so as to effectively minimise adverse amenity impacts.

Wingecarribee Shire Council encourages all Holiday Rental Owners, Managers, Guests and Visitors to endorse this Code of Conduct and to work cooperatively with Council to achieve its Objectives.

1.3 Definitions used in this Code

- **Holiday Rental** means rental of Property for holiday purposes with the maximum terms permitted for rental without a residential tenancy agreement under state and territory residential tenancy legislation.
- **Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
- **Guest** means a person who stays overnight in the Property during the terms of the occupancy.
- **Manager** means the Owner or another person appointed by the Owner (such as a real estate agent), who is responsible for renting the Property.
- **Noise** means any sound which is offensive to occupiers of neighbouring properties.
- **Participating Organisation** means those organisations that endorse and agree to implement this Code of Conduct.
- **Owner** means the person or entity who owns the Property. It includes the lessee of a Property who sublets or licences it to others for Holiday Rental.
- **Property** means Dwellings and residential properties including houses, dual occupancies, villas, townhouses, apartments, units, secondary dwellings, cabins and the like.

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- **Visitor** means a person a Guest invites or permits to visit the Property during the term of the occupancy who does not stay overnight.

1.4 Guiding Principles

This Code of Conduct outlines the responsibilities of Holiday Rental Managers, Owners, Guests and Visitors to preserving the amenity of the Property and neighbours.

- (a) This Code of Conduct applies to the Holiday Rental of Property;
- (b) Managers (including owners and agents) are encouraged to adopt and apply the Code of Conduct;
- (c) Participating Managers and Owners will implement and promote this Code of Conduct.
- (d) The roles and responsibilities of Owners and Managers identified in this Code of Conduct describe that is expected of such parties if they agree to participate in the implementation of the Code.
- (e) Council encourages making this Code of Conduct available to the public via website or other promotional material used in the marketing of Holiday Rental Properties.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 2 - GUIDELINES FOR MANAGERS

2.1 Role and Responsibilities of Managers

- (a) Managers will use their best endeavours to ensure that Property under their management used for Holiday Rental complies with this Code of Conduct including in particular the standards, practices and procedures under this Part.
- (b) Managers will outline to Guests (and Visitors) the consequences of not complying with any Terms and Conditions.
- (c) Managers will provide information to neighbouring properties on the relevant authority to contact in the event of a contravention of the Terms and Conditions. This can include the provision of a telephone number to contact in this event.

2.2 Property Management generally

2.2.1 Managers will:

- (a) Act with integrity, professionalism, courtesy and consideration when dealing with Guests, neighbours, Owners corporations and other community stakeholders; and
- (b) Cooperate with other stakeholders including industry associations, tourism bodies, Council and other government authorities to enhance the image, standards and contribution of Holiday Rental to the economy.

2.2.2 The Property must not be offered, described, or advertised:

- (a) In a false or misleading manner;
- (b) For a purpose inconsistent with this Code of Conduct, such as a function centre for events.

2.2.3 The Property offered will:

- (a) Be offered in a clean, safe and habitable state of repair; and
- (b) Comply with relevant planning and building approvals and fire safety and health regulations.

2.2.4 Managers will:

- (a) Provide general, after hours and emergency telephone numbers to Guests and neighbours; and
- (b) Have a local representative to manage Guests and Property issues.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 2 - GUIDELINES FOR MANAGERS

2.3 Terms, Conditions and House Rules

2.3.1 Managers will ensure that:

- (a) The Terms and Conditions upon which the Property is offered, booked and occupied for Holiday Rental adequately cover and are consistent with this Code of Conduct and the Terms and Conditions specified in Part 3.
- (b) These Terms and Conditions should be incorporated into the contract between the Owner or Manager and the Guest.

2.3.2 Managers will:

- (a) Provide House Rules and have them displayed prominently in the Property;
- (b) Provide a Guest & Visitor Information Folder containing other information including a copy of this Code of Conduct and information promoting good neighbourly behaviour;
- (c) Provide House Rules upon which Guests and Visitors are permitted to enter and remain upon the Property which are consistent with this Code of Conduct and consistent with and adequately cover the issues in the House Rules specified in Part 4 and cover any other key issue relating to the particular Property; and
- (d) The Terms and Conditions and House Rules must not offend the unfair contract terms and other provisions of the Australian Consumer Law.

2.4 Number of Guests and Visitors

- (a) It is recommended that the maximum number of Guests permitted at a Property not exceed two(2) adults per bedroom; and
- (b) The number of Visitors permitted at a Property should not be such as may conflict with residential amenity and must comply with all the other requirements of this Code of Conduct including the Terms and Conditions and House Rules and Council's planning provisions as applicable to the site.

2.5 Functions and Parties

- (a) Properties must not be used to host commercial catering or functions unless they have Council permission to do so.
- (b) Any gathering, celebration or entertainment permitted by the Manager or Owner at a Property must not conflict with residential amenity and must comply with all the other requirements of this Code of Conduct including the Terms and Conditions (Part 3) and House Rules (Part 4) and any other relevant planning approvals or provisions applying to the site.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 2 - GUIDELINES FOR MANAGERS

2.6 Access and Parking

Managers will provide information to Guests prior to arrival regarding access or parking restrictions to ensure ease of access with minimum disturbance to other residents or neighbouring properties.

2.7 Recycling and Garbage

Managers will:

- (a) Inform Guests of the garbage disposal or recycling usual practices at the Property including
 - 1) The allocated bins and how excess rubbish should be managed and not left in public or common areas;
 - 2) Details of Council's garbage and recycling collection days; and
 - 3) Any special requirements relating to the disposal of garbage or waste minimisation.
- (b) Make arrangements for the removal of any excess garbage left by Guests and Visitors.

2.8 Insurance

For their own protection Owners and Managers should hold appropriate insurance, including comprehensive landlords' and public liability insurance (as appropriate). Insurance companies should be advised that the Property is used as a Holiday Rental.

2.9 Complaints Handling

2.9.1 Managers will:

- (a) Have a policy, setting out how to deal with disputes or complaints;
- (b) Retain a log of related communication and actions taken;
- (c) Respond to complaints professionally and take effective action to stop any problems; and
- (d) Cooperate and participate in any complaint handling, response or resolution system implemented by any relevant Participating Organisation or Council.

2.9.2 For their own protection Managers will also make and maintain a record of the following particulars of each complaint:

- (a) Date and time received;
- (b) Name and designation (e.g. Guest, neighbour, council, police etc) of complainant
- (c) Contact details of complainant;
- (d) Nature of complaint;
- (e) Action taken (by whom and when); and
- (f) Outcome and/or further action required (e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved).

2.9.3 Managers should encourage and facilitate complaint handling and dispute resolution through the following steps:

- (a) Initially by the Manager;
- (b) If not resolved in (a) then through the relevant Participating Organisation; and
- (c) If not resolved in (b) then through the NSW Department of Fair Trading or other authority.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 3 - TERMS & CONDITIONS BETWEEN OWNERS & GUESTS

The Terms and Conditions upon which a Property is offered, booked and occupied for Holiday Rental under the contract between the Owner and Guest should adequately cover and be consistent with this Code of Conduct and the provisions set out in this Part.

3.1 Formalities

The Terms and Conditions for the booking and occupation of the property:

- (a) Should be in writing;
- (b) May be in electronic, printed or other legally compliant form;
- (c) Should include the information and cover the matters in Part 3 of this Code of Conduct;
- (d) May incorporate information by reference including Booking Conditions; Occupancy Agreement, House Rules, By Laws and information made available to the Guest from websites; and
- (e) May cover such other matters generally required in relation to Holiday Rental of the Property and any special conditions provided they are not inconsistent with this Code of Conduct including in particular this Part 3.

3.2 Content

- (a) The Terms and Conditions for the booking and occupation of the property should at least include:
 - 1) The address and description sufficient to identify the particular Property;
 - 2) Contact details for the Manager or their nominated representative;
 - 3) Maximum number of guests permitted to stay at the premises.
- (b) The Terms and Conditions must not offend the unfair contract terms and other provisions of the Australian Consumer Law.
- (c) Guests are granted a limited permission to occupy the Property for holiday purposes;
- (d) This is not a residential tenancy agreement under the residential tenancy legislation.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 3 - TERMS & CONDITIONS BETWEEN OWNERS & GUESTS

3.3 General Obligations of Guests and Visitors

Guests and Visitors will:

- (a) Comply with all House Rules and By-Laws;
- (b) Respect the residential amenity and security of the Property and neighbours;
- (c) Refrain from anti-social behaviour;
- (d) Guests must control and be responsible for Visitors and ensure that Visitors comply with the House Rules;
- (e) Comply with any instructions from the Manager and security services during their stay;
and
- (f) Notify the Manager of any disputes or complaints as soon as is practicable.

3.4 Noise and Residential Amenity

- (a) Guests will not create noise which is offensive to neighbours especially between 10pm – 8am and during arrival and departure at any time throughout the occupancy.
- (b) Offensive noise is prohibited and may result in eviction.
- (c) Guests must abide by any noise abatement conditions, standards and orders issued by police or any regulatory authority to minimise impacts upon the residential amenity of neighbours and local community.

3.5 Functions and Parties

- (a) The Property may not be used as a function centre without the permission of Council.
- (b) Any gathering celebration or entertainment permitted at the Property will not conflict with residential amenity and must comply with all House Rules.

3.6 Access and Parking

Guests and Visitors will comply with parking regulations and show consideration to neighbours.

3.7 Recycling and Garbage

- (a) Guests will dispose of garbage and recycling in accordance with the usual practice at the Property and in the allocated bins;
- (b) Guests will not leave excess rubbish in public or common areas; and
- (c) Guests will co-operate in complying with requirements in relation to the relevant local council garbage and recycling collection days, and any special requirements relating to the disposal of garbage or waste minimisation.

WINGECARRIBEE HOLIDAY RENTAL CODE OF CONDUCT PART 4 – HOUSE RULES FOR GUESTS AND VISITORS

House Rules are provided at the Property to ensure that Guests and Visitors know and comply with the specific Rules governing their permission to enter and occupy the Property. House Rules are to be displayed in a conspicuous place in the Property so they can be easily viewed by Guests and Visitors, such as in the Property's kitchen. Matters contained in House Rules should include those set out in this Part, but should be adapted and augmented to suit the particulars of the Property, such as specific instructions for car parking arrangements and the like and rules appropriate for any special equipment, facilities or local risks.

4.1 General Requirements

- (a) Guests and Visitors will comply with all House Rules, By-Laws and instructions from the Manager and security services during their stay; and
- (b) Guests must notify the Manager of any disputes or complaints from neighbours as soon as is practicable.

4.2 Noise and Residential amenity

- (a) Guests and Visitors will not create noise which is offensive to occupiers of neighbouring properties especially between 10pm – 8am and during arrival and departure at any time throughout the occupancy;
- (b) Offensive noise is prohibited and may result in termination of permission to occupy the Property, eviction, loss of rental paid and extra charges for security and other expenses which may be deducted from Security Deposit or Bond under the Terms and Conditions; and
- (c) Guests and Visitors must not engage in anti-social behaviour and must minimise their impact upon the residential amenity of neighbours and local community.
- (d) Guests must not allow the Property to become used as a 'party house' and comply with the maximum number of Guests permitted under the contract and ensure that any Visitors they invite to the Property behave in accordance with the House Rules.

4.3 Visitors

- (a) Guests are responsible for ensuring that any limits set on Visitor numbers is complied with at all times; and
- (b) Guests are responsible for ensuring that Visitors comply with these House Rules.

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PART 4 -- HOUSE RULES FOR GUESTS AND VISITORS**

4.4 Parking

- (a) Guests and Visitors are to comply with parking regulations and other requirements set out below and show consideration to neighbours and other vehicles; and
- (b) Parking arrangements at the Property are as follows: [Manager insert here]

4.5 Garbage and recycling

- (a) Guests and Visitors are to dispose of garbage and recycling in accordance with the usual practice at the Property (as set out below) in the allocated bins, and excess rubbish must not be left in public or common areas; and
- (b) Garbage and recycling arrangements at the Property are as follows: [Manager insert here]

4.6 Emergency Contact

In the event of an emergency relating to the Property, please telephone [Manager insert name here] on [Manager insert phone number here]

4.7 Compliance

- (a) Breach of these House Rules is a breach of the Terms and Conditions of occupancy.
- (b) The Owner and Manager reserve the right to terminate permission to occupy and to evict from the Property, Guests or Visitors who refuse to follow these House Rules or who cause a nuisance.

In the preparation of this draft, Council acknowledges the valuable assistance of The Holiday Rental Code of Conduct produced by the Real Estate Institute of NSW and other participating organisations in 2013.

