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

Name: Mr Arch Macdonald

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A few general thoughts.....

The law covering holiday lettings in NSW is either non existent or inconsistent across the State.

Councils such as Sutherland,Gosford,Byron Bay and Leichhardt have followed the judgemnet of the Land and Environment court, prohibiting short term letting, given in the *Sutherland Shire Council v Foster* case some years ago.

Others have done nothing, and now, in 2015 ,Pittwater Council has issued a Local Environment Plan indicating that holiday letting is permitted without approval.

The broadness of this decision by Pittwater may well be regretted once the information is widely known (Who reads LEP's ?)and then used by absentee landlords for financial gain over their neighbours.

The situation regarding <u>consistent</u> short term lettings--,not just once or twice a year, could be overcome by calling for a DA from anyone wishing regular short term holiday lettings –neighbours would be alerted and could voice opinions,if any. This is the system we have worked admirably with for over 40 years. Also there are some areas where short term letting would be inappropriate. Such as next to aged care facilities and the like.

Pittwater Council's image of short term holiday lettings is a utopian one – raising revenue via tourism, a family of 5 down from the country to enjoy the seaside - something we would all like to see –but too often it is a pack of yobbos , young and old, boys and girls, out to make the house or unit they are renting become party central till dawn each day.

The Owners Corporation believed for 40 years that a Development Application was necessary for uses such as offices, short term lettings etc In fact for all those years Council contacted us for permission to process any application put in by an owner without prior OC consent.

In light of publicity over the last few years and court rulings we instructed solicitor ,to draw up a Bylaw prohibiting short term lettings. This Bylaw was unamimously approved at an AGM and subsequently registered.

The effect of Council's LEP is to override our Bylaw, making it totally unenforceable.

The LEP may have some basis when dealing with cottages, single dwellings etc. But it has no grounds for its justification when dealing with unit dwellers. Unit living people are by definition surrounded by others in close proximity. And the regular ingress/egress of itinerants, many of whom do not care about neighbours or property, makes it difficult living.

We believe the LEP is **inequitable** and takes away the democratic rights of the 24 owners that make up the Owners Corporation, to determine their own destiny within the law.

Further, it **unfairly** gives future owners the ability to put in jeopardy the very reason we all bought here in the first place ---quite enjoyment of environmentally friendly living.

Finally,a one line sentence at the bottom of pages dealing with uses and alteration to wharves and jetties, is not an appropriate way for Pittwater Council to determine the living standards for thousands of unit dewllers in their shire.

The issue needs to be revisited, and hopefully your enquiry will agree, and make recommendations to bring **equity** into this unfortunate situation.

Thankyou.

Arch Macdonald

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