

Darren Greenow, Principal Development Compliance Officer  
8:00am to 5:30pm Monday - Thursday, 8:00am to 5:00pm Friday  
Phone 9970 1275

13 November 2015

Scotland Island Residents Association  
PO Box 70  
**CHURCH POINT NSW 2105**

Email: [sirapittwater@gmail.com](mailto:sirapittwater@gmail.com)  
[cassgye@spin.net.au](mailto:cassgye@spin.net.au)

Dear Mr Gye

**Re: Residents' Concerns of Dwelling Use**  
**Premises: 103 Florence Terrace, Scotland Island**

I refer to the email from Cass Gye to Steve Evans dated 1 November 2015 enclosing your letter dated 29 October 2015, outline of residents' petition and Council letter to you dated 10 May 2012.

It is confirmed that Council received the resident's signed petition on 12 October 2015 with a covering letter from Sam Collins and Jane Wood of 101 Florence Terrace, Scotland Island.

Council has now had the opportunity to carry out an inspection of the subject premises in the presence of the owner of the property. The owner indicated that the dwelling is being used as short term holiday rental accommodation and that the occupants of the dwelling over the October 2015 long weekend went over and above what was represented to the owner in terms of persons attending the property and the resulting disturbances generated. The owner was supportive of the action taken by NSW Police at the time and is mindful of creating minimal disturbance to neighbours in the future.

The dwelling is not being used as a commercial premises and therefore is consistent with E3 Zoning.

For your information Pittwater Local Environmental Plan 2014 (the Plan) under the heading Schedule 2 Exempt Development allows for short term holiday rental accommodation which must be used for a period of less than 3 months by any individual or group.

The dictionary in the Plan defines **short term holiday rental accommodation** as meaning:

*"an existing dwelling that is used for temporary or short term accommodation on a commercial basis excluding the following land uses*

- a) *Backpackers accommodation*
- b) *Bed & Breakfast accommodation*
- c) *Commercial premises*
- d) *Entertainment facilities*
- e) *Farm stay accommodation*
- f) *Functions centres*
- g) *Hotel or motel accommodation*
- h) *Serviced apartments*

As short term holiday rental accommodation is Exempt Development there is no requirement for a prior Development Consent and as such the use of the premises is not controlled by Council to any greater degree than a more common long term property rental. This is relevant in that the occupants of any dwelling (either short term or permanent) are free to hold a party or the like without prior reference to neighbours or to Council. In this regard the property at 103 Florence Terrace is no different to any other dwelling within Pittwater.

As with the community expectations for occupants of a dwelling to freely hold parties and the like, it is fair to say that the community also have expectations concerning the level of noise of other disturbance with such occasions. Member of the community can make a complaint to NSW Police which is the appropriate authority to deal with such disturbances. As in any other case, NSW Police will determine what appropriate action they take at the specific time of their response.

Council will not be instigating any action with respect to the use of the dwelling however, during the inspection it was established that the boathouse at the premises had been converted to provide separate living quarters and Council is instigating action to have the boathouse reverted to its approved use. We are in the process of preparing a suitable reply to those residents who supported the resident's petition as mentioned above.

It is anticipated the above information will be of assistance to you and your members.

Yours sincerely



Darren Greenow  
**PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER**