

Deputation Summary

I'd like to take the opportunity to thank Clarence Valley Council to speak in relation to item 14.107/17 on your agenda, Short Term Holiday Letting. My name is Sarah Auer, I am a real estate agent of over 20 years experience.

I represent a delegation of real estate agents from the Clarence Valley, including Yamba Iluka Real Estate, Elders Real Estate, Ray White Yamba and First National Yamba.

Firstly in relation to the Maclean LEP 2001 Conversion to Clarence Valley LEP 2011

There was a new provision for R1 zoning, none of which was given to Yamba, which would have enabled tourism and visitor accommodation. Considering the character and history of our township, this should have been given consideration.

R2 zonings on the Yamba Hill area encompass Pilot St from the Pacific Hotel to the Lighthouse, and Church Street down to Pippi Beach. Homes and units in this area have been holiday let for decades.

The same zonings exist in the urban area of Yamba as Yamba Hill. One cannot impact one without the other. It would certainly be seen as discrimination.

All holiday tenants booked through agencies are required to abide by booking conditions which are enforced by the managing agents.

We do not expect anyone to live with parties or noisy holiday guests. if there are any problems we enforce our booking conditions terminating tenancy immediately.

We are being told of late that there are several properties on the canals let by holiday visitors, who are being subjected to verbal abuse and aggression, by certain neighbours. As agents, we certainly don't wish to see this behaviour from either party.

There are 319 holiday lettings advertised on Stayz.com.au, which agents and private owners advertise on. If 100 properties (according to Clarence Valley Council) are affected, that will be a significant impact to our local economy.

The numbers of visitors to our area from the Clarence Valley Council Tourism Monitor are 1,081,000 in the year up to December 2016. These visitors had an estimated spending of \$312.7 million.

If 25 – 30% of these people can't be accommodated, that's a substantial decline in tourists, which would certainly effect the monetary income to our town.

A reduction to the tourism industry in our area, would not only affect the property owners themselves, this would also impact employment in our area, including housekeeping, tradespeople, cafes, restaurants, and club staff. Tourism directly employs 2000 people in our valley according to My Clarence Valley Business (managed by Clarence Valley Council).

We have requested the details of the numbers of complaints and the source of complaints that council has received.

An extremely small percentage of noise complaints are received by our office. In the last year we have only had 2 complaints, which is less than 0.002 of a percent of our overall bookings.

Clarence Valley Council has sent correspondence to owners of holiday lettings in the R2 zoning, giving 21 days notice to cease Short Term Holiday Letting or penalties would ensue. Our real estate offices are being informed during early discussions with legal counsel, that owners would have a strong case to challenge Clarence Valley Council on this matter. Council has allowed this type of letting to occur and continue under zone R2, since 2011 when the new LEP was implemented. Enforcing these penalties at this late stage would be unfair, and create hardships both financially and emotionally.

Chamber on behalf of their membership and the business-houses of Yamba should be seeking an extension of time before this is decided upon by Clarence Valley Council.

Concerns were raised as to whether insurance companies would cover Short Term Holiday Letting property claims, if the zoning requirements weren't met. This has been verified in writing from one of the leading landlord insurance companies Terri Scheer to confirm that residential zoning has not impact on any claim. They only ensure that a short stay policy is in place, and the type of rental matches.

Our response to the Officer recommendations by Clarence Valley Council

- 1. Wholeheartedly support the request to expedite this matter.**
- 2. Support all recommendations, except for (f), which is to limit the annual occupancy for dwellings to 120 days in low density areas. Industry standard is 65 – 67 % according to ABS. Our properties range between 30 – 83% occupancy in R2 zonings. To ask owners who have holiday let their properties for years, to leave their properties vacant for over two thirds of the year would be unfair.**
- 3. We support the council preparing a planning proposal with 2F being removed**
- 4. We support the council policy position that legal action only be taken where serious community impacts can be substantiated.**

In conclusion, at a grass roots level, when holiday makers depart from our valley, 99.9% have very positive comments on their accommodation, our beaches, the village atmosphere, on all the things we've worked hard to build up over the years. Tourism trade hasn't happened overnight, it has been decades of nurturing, putting services into place. This hard work has paid off, and we are now seeing the results of these efforts. It is very gratifying to receive such comments, when families leave our offices after enjoying a week or a fortnight in our area. Council's very own slogan is that, we want our visitors to, "Own Every Moment".

Deputation will be representing

Yamba Iluka Real Estate

Elders Real Estate Yamba

Ray White Yamba

First National Yamba

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Extra Time / Additional Notes

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We have requested the details of the numbers of complaints and the source of complaints that council has received. We would like to check to see if there is a pattern. We cannot assist with the problem without this information.

First complaints we received were when we were summoned by council to the meeting with Ashley Lindsay, David Morrison and Des Schroder.

As real estate agents we are required to keep complaints registers, and people are required to submit their complaints in writing. In today's age of technology substantiation of noise complaints would be easy i.e. use of video, recording.

Chamber really should be putting in their own deputation on behalf of the business houses, asking for a delay or additional time to put in a submission themselves.

Vikki's legal representative is speaking to David Morrison this afternoon. Vikki has also asked Daniel Butt to compile something.