

Kooindah Waters (KW) DP 270434 is a residential golf estate comprising an 18 hole golf course, hotel, 260 residential lots and facilities including a pool, an indoor pool, gymnasium, spa, sauna, tennis courts and community room.

The estate is situated in a uniquely beautiful natural landscape on the Central Coast of NSW and requires sensitive management of its precious surroundings which include SEPP 14 wetlands.

KW Residential Lots are small with the majority of Lots ranging in area from 357 sqm to 472 sqm 1 Lot is 572 sqm and 1 Lot is 597 sqm.

This reduces the building envelope of each Lot resulting in houses being in very close proximity to other houses.

A large portion of the estate is common property maintained by the Community Association at considerable cost.

The estate is managed by a Community Association according to a set of By Laws through a Community Management Statement.

Currently, Special Levies are being raised to finance the maintenance of the estate and its facilities. It's anticipated that early on 2018 the Initial Period will be formally ended and an AGM will be held.

The current owners of Kooindah Waters, ie the golf course and hotel, have marketed the vacant Lots internationally and this has resulted in a high percentage of international owners for whom KW is not their primary residence.

Total Lots 260. International owners 80.

Following on from the sales overseas, the potential for owners of properties to engage in Short Term Holiday Letting (STHL) is also high as international owners seek a return on their investment.

These numbers are estimated to be 60+.

This figure does not include:

- the numbers of Australian Citizens who don't live on site who may wish to engage in STHL.
- owners residing in KW who may wish to participate in STHL.

There are currently 6 contracts with 'andchill', for STHL. 4 are in Championship Drive and 2 in Windsorgreen Drive.

There is a lot of evidence that STHL adversely affects the adjoining permanent residents.

Neighbours in these streets have reported problems such as

- no bins or not enough bins
- waste being left in a pile in front of the property
- cars speeding through the narrow streets and over speed humps

'andchill' does not provide onsite personnel to manage any issues that might arise.

KW's Managing Agent has written to 'andchill' asking that:

- Contact details of a suitable person should be supplied to be able to attend promptly in the event of issues arising
- 'andchill' advise the length of term the properties will be occupied and
- the Community Management Statement, (which was attached) be provided to the occupants and included in their lease/agreement.

### Current Situation

Although email contact has been established, the closest person to contact if an issue arises is in Sydney, length of stays is not advised to the CA and the Community Management Statement is not issued individually to the guests.

Within the estate, the sewer system is privately owned and maintained by the Community Association.

It's a pressure vacuum system and has proved to be problematic and therefore a high cost to the Community Association. The pumps that service Lots are sensitive to a long list of items that normal systems can manage. Maintaining and renewing pumps when they fail is a huge cost.

From the Community Association's administrative perspective time has been spent contacting 'andchill' on at least 2 occasions about the waste problems, the private sewer system and the security system for use of the community's facilities.

The Executive Committee now needs to spend more time wording signs that may be (there is no way of checking this) placed in the bathrooms and kitchens of the properties re correct use of the sewer system.

In other words, there's much inconvenience being caused to the Community Association and residents that would not occur without this type of letting.

Given the nature of the sewer system it's expected that there will be added expense to the community through failure of pumps and additional stress on upkeep of community property.

Although this situation is not unique to many Strata Communities where properties are engaging in STHL, this estate belongs to possibly a minority of communities that come under: Community Association regulations where properties are engaging in STHL .

As mentioned above, there is a resort hotel providing STHL and using the community's facilities. As guests choose to use individual properties through STHL agencies such as 'andchill' and 'airbnb', the patronage of these properties affects the occupancy rate of the hotel.

The interdependency between the hotel business, the golf course and property values within the estate is important.

While the Community Association respects the rights of property owners to let their properties there are other rights to be respected:

- The issue of certainty that when owners purchased a property in KW the purpose of the estate was primarily residential. Owners engaging in STHL are not keeping good faith with other owners to preserve that certainty.
- The estate is designed for residential purposes and not the high numbers of comings and goings associated with STHL.
- The responsibility on owners to vet guests and refuse permission for potential partying guests. Owners are overseas and there's no personal contact between agents and potential guests.
- Cleaners coming in and out of properties is offensive to other owners.
- The amenity of community is lessened.
- Residents feel that the owners engaging in this activity are chasing big money at the expense of running down common property.

Several off site owners residing in Australia, let their properties with long term leases. This type of letting should be protected.

An acceptable option would be to allow letting with a minimum of 3 months contracting to cater for off site owners wishing to have a return on their investment.

Kooindah Waters Community Association would like to introduce strategies for managing STHL in the Community Management Statement with the knowledge that enforcement would be supported by relevant legislation.

Kooindah Waters Community Association urges the NSW Government to develop legislation that considers , protects and includes every citizen in NSW and their properties whether they live in Community Associations or Strata Communities where high levels of this type of letting is prevalent.