

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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Submitter Comments:

Good morning

We are residents in main beach .

It a real disgrace how all these new laws are rammed through and make so many people unhappy and frustrated .

The only happy ones are the council who should be working for the people in their communities but choose to work for developers .

How can councils use the words housing crises for getting these laws through .

The new apartments sell between 2 and 5 million .

What a joke to use these words .how can governments and councils just stand there and lie to the people .

Maybe the council should give some of the units away to the homeless .

It is really scandalous what happens in main beach and the whole Gold Coast and for greed only . very very disappointed residents from main beach

Regards

[REDACTED]

Serious concerns about the Body Corporate and Community Management Bill 2023

Note: We have decided not to overwhelm you with the clauses of the Bill.

Let us know if you would like to be sent the Bill and its accompanying documents—basically the Government trying to justify some very ill thought out ‘reforms’ that will do nothing to improve the supply of housing on the Gold Coast. Apartments in the new Main Beach apartments are mainly whole floors that START at \$3 million—hardly a solution to the housing shortage.

1. The Bill is unfair in that it favours the interests of property developers over those of the community at large. This is not surprising given that it was a direct outcome of the 2022 Housing Summit which overwhelmingly represented property developers.
2. Evidence of developer influence can be seen in the unseemly rush to get these so-called reforms legislated with almost no consultation with the community.
3. The perception of lack of consultation is increased by the fact that no Public Hearings will be held in the two areas with the greatest number of community titles schemes—the Gold Coast and the Sunshine Coast.
3. The development lobby has ‘conned’ the Government that the ‘reforms’ will alleviate the housing shortage. In the case of Main Beach and other beachside suburbs, the opposite is true. Unwilling owners will be forced out of their homes, unable ever to buy back into the area they love.
4. One of the reasons owners on middle incomes will be forced out is that even if offered a unit in a replacement high rise, they will never be able to afford the body corporate levies required to pay for all the services considered essential in a luxury high rise. These include lifts, swimming pools, live -in managers and so on. Currently the levies in a 3-storey walk up are in the range of \$3000—a far cry from the \$12,000 to \$20,000 per year paid by owners of a mid-level floor in a luxury high rise.
5. Essentially, the Bill allows for the termination of a community titles scheme with the support of lot owners where the body corporate committee has agreed that there are economic reasons for termination which meet defined thresholds. The economic reason for termination is that the it is not economically viable—or **will not be within 5 years**—to carry out repairs or maintenance to the parts of the property that the body corporate is responsible for. Examples in older high rises would include expensive items such as replacement of lifts, roofs, painting and treating concrete cancer. Although at first glance this might seem reasonable, there is too much scope for an unscrupulous body corporate committee to manipulate the situation in favour their own benefit rather than respect the interests of the majority of lot owners. For example, there are already many body corporates that neglect essential maintenance through apathy, ignorance and a desire to keep owners happy in the short term with unrealistically low levies. With the lure of a large payout from a developer, the temptation to deliberately run down a building will be irresistible to many body corporate committees.
6. The Bill specifies that a body corporate committee that wishes to sell to a developer, thereby terminating their Scheme, will have to have a Pre-termination Report prepared by suitably qualified people, including a structural engineer. As well, a quantity surveyor will be required to estimate cost of remediating the dilapidation that has occurred. Although the Bill refers to conflicts of interest by those preparing the Report, there are no penalties proposed for a body corporate committee that goes ‘expert shopping’. The potential for corruption is alarming.
7. In its Explanatory Notes, the Government claims that their Bill contains protections for those unwilling to sell. For example, lot owners wishing to prevent the termination of their Scheme will be able go to the District Court to seek an order that the termination of their Scheme

not be implemented. In reality, owners facing the threat of being forced out of their home will rarely have the financial resources to pay for expensive legal costs. There is also the potential for developers to underwrite legal and other costs of body corporate committees for the sites they are anxious to acquire.

8. The Main Beach community is unanimous in their resentment of the egregious overdevelopment currently occurring in their suburb. Should this Bill be legislated in its current form, the suburb will lose even more of its unique subtropical character.