

[REDACTED]

17 June 2014

State Development, Infrastructure & Industry Committee in Parliament

Dear Sir/Madam

We refer to proposed *"The State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014"* and the invitation by your Committee for submissions as we wish to address some concerns in relation thereto.

We are residents in the suburb of Tallai affected by the proposed Bill as we live next-door to a party house and have another party house within approximately 200 metres of our residence. Since May 2010 we have complained to the Police and campaigned with other residents/victims in our street to the Council and State Government for the closure of the two nearby party houses. Firstly, we would like to thank the State Government for finally taking the initiative to address this "party house" problem but there is a couple of concerns that we note after reading through the proposed amendments and these are as follows:

1. The amendments do not state how the enforcement of such new laws would be established and also the means by which breaches by party house owners will be identified to local Council e.g. about 2 months ago a group of 10 men were staying next-door [REDACTED] The men were all nude with white plastic horns on their heads and were sky-larking in the pool – how is this scenario be proved to be an unlawful party or just a group of men on a short term rental weekend using the pool facilities? If you are considering Police involvement, we strongly recommend that this is not an option, as over the last 4.5 years it has been too difficult for Police to attend complaints made by we residents against party house activities because of the location up in the Hinterland and because of lack of police resources when their main focus is on all the criminal activities going on down on the glitter strip of the Gold Coast. We suggested in a letter to Minister Jeff Seeney MP that perhaps an e-Petition signed by at least 10 affected nearby residents to the Council would suffice for Council to take enforcement action by way of very heavy fines.
2. There seems to be no mention of increase in penalty amounts that local Council could impose upon a rogue party house owner. In a letter dated 23 May 2014 from Councillor Glen Tozer (Division 9 – our Division) to Minister Jeff Seeney MP, Cr Tozer said "As I stated, my suggestion is that any changed legislation should incorporate sufficient penalty points for breaches to impose fines that will be appropriate disincentive for the business activities regularly charging \$5,000 to \$20,000 per event".
3. *Clause 77 – Insertion of new ch 9, pt 7A – 755A Definitions for pt 7A* – this amendment defines "party house" but these huge homes at Tallai that have and are being used for party houses/function centres under the guise of short term accommodation, "short term accommodation" has not been identified and therefore no appropriate definition has been given for this [REDACTED] on its website states "sleeps up to 21 persons" and claims to have 8 bedrooms (which has been reconfigured from the original number of 7 bedrooms),

therefore under the building standards, 2 persons allowed per bedroom = 14 persons in total. So even for a short term accommodation to continue, say 14 persons to stay for a weekend at [REDACTED] say 10 persons to stay at [REDACTED] and 12 persons to stay at [REDACTED] just these 3 short term accommodation homes each and every weekend will accommodate minimum 36 persons, this still brings all the "riff-raff" into our community. The neighbourhood is already notoriously known because of the party house goers and the break and enters and arson and possibly assaults or murder of residents will continue. Whilst large number are permitted to stay in short term rental accommodation in residential areas, there will always be trouble. Why not make in the amendments a minimum stay of 10 days at short term accommodation in predominantly residential domains as this would put an end to the weekend party goers.

4. Amendments to the Sustainable Planning Act 2009 – Party house provisions – last bullet: *"ensuring compliance with any development approval"*. How is Council to ensure compliance?

[REDACTED]

Two petitions from concerned residents of Tallai have already been tabled in Parliament by Ros Bates MP.

Below are the criminal activities that have occurred in our Tallai neighbourhood which we believe have occurred because of the notoriety brought to our neighbourhood by the party houses and the fact that party goers from the party houses have committed some of the crimes:

1. 27.10.12 – [REDACTED]
2. 24.11.13 – [REDACTED]
3. 4 very recent break-ins with the first two residences being very close to party house known as [REDACTED]
4. [REDACTED]

5. The footpaths in our neighbourhood are starting to resemble a rubbish tip as the feral individuals who come up here of an evening dump all their empty beer and wine bottles and food packaging.
6. Many residents have not been able to sell their homes due to the above impact on our neighbourhood. We ourselves have been trying to sell for 4 years and have lost many sales as nobody wants to live next-door or nearby to a party house and this has caused considerable financial loss to us in the vicinity of \$500,000 and property prices in our area have plummeted because of the party houses.
7. Our community's safety has been severely compromised and it has cost all of us considerable amounts of money to increase our security measures.
8. The toll on our community's health has been devastating.
9. We have been recently informed by another nearby resident concerning at least 30 criminal incidents that have taken place in the last month at Worongary, which is very close to our neighbourhood. Many cars were stolen and any goods that could be easily moved were stolen also. A home was arsoned and cars were trashed. [REDACTED]

[REDACTED] We desperately need CTV cameras installed and signage stating that our area is under 24 hour surveillance. Most of we residents have already installed extra security measures to our homes which has been costly and most of us now go to sleep with weapons under our beds and pillows just in case. Not a good way for a community to live!

Under Amendments to the Sustainable Planning Act 2009 – Party house provisions – states “An FLP issue considered in relation to party houses is that the amendments do not adversely affect rights and liberties, or impose obligations retrospectively, and do not confer immunity from proceeding or prosecution without adequate justification”. Fair enough from a legal perspective, but what of community rights and Governments’ responsibility to ensure safety and protection of their communities?

We sincerely hope that the Committee take into account all of the matters and possible solutions we have put forward and add these to the amendment Bill as we believe that unless the amendment Bill is complete these party house owners will continue to flout the law and totally destroy any hope of our community being able to enjoy our homes in peace and safety.

Yours faithfully
WP and VJ Kane