

7 June 2016

Notice of Motion, Councillor Cathy Oke: Owners Corporations and Related Legislation

Motion

That the Future Melbourne Committee

1. Notes the recent introduction to the Victorian Parliament of the *Owners Corporations Amendment (Short-stay Accommodation) Bill 2016* (the Bill) which seeks to regulate the provision of short-term stay accommodation arrangements in premises affected by an owners corporation.
2. Notes that the provisions in the Bill could address the amenity issues caused by short stay accommodation.
3. Requests the Planning Portfolio Chair to write to the Minister for Consumer Affairs and the Minister for Planning, in support of submissions made by management, requesting them to pursue further legislative changes to improve the powers of Owners Corporations and the interplay between different legislation, in relation to matters in large, residential developments such as:
 - 3.1. The ability to have works undertaken in response to issues of public and resident safety, within acceptable timeframes, especially in the event of emergency building works to private and common property i.e. in the event of flood or fire.
 - 3.2. The need for improved emergency planning and management from the perspective of owners, occupiers and government agencies
 - 3.3. The need to better identify and manage rooming houses and the difficulties in gaining access to investigate.
 - 3.4. The capability of Owners Corporations and owners to repair, maintain and upgrade property.

Background

Consumer Affairs Victoria is currently undertaking a review of the following consumer property legislation: Estate Agents Act 1980, Owners Corporations Act 2006, Conveyancers Act 2006 and Sale of Land Act 1962. As part of this review, Council management has made submissions seeking to address some of the issues identified in this motion.

The introduction of the *Owners Corporations Amendment (Short-stay Accommodation) Bill 2016* is one of outcomes of the review and could provide the ability to address a number of the amenity issues caused by short stay accommodation.

However, management is concerned that the scope of the review has not gone far enough, and that it should have also covered the Residential Tenancy Act 1997, Public Health and Wellbeing Act 2008, Building Act 1993 and the Planning and Environment Act 1987.

The current legislative framework in relation to dealing with amenity and safety issues as they relate to buildings in the City of Melbourne is proving both complex and ineffectual, for the City of Melbourne and for residents and property owners.

As the way in which properties are being used has changed over time, legislation has failed to keep up with ensuring the health, safety and amenity of all property owners is maintained as well as that of the public. Where nuisance or safety issues arise, the legislative framework has proven to be ineffectual.

This is a statewide issue that needs to be addressed holistically and by a thorough and proper review and coordination of all relevant legislation.

Moved: Councillor Oke