Submission re Airbnb in relation to Strata Schemes

Just as the model by-laws in Schedule 3 of the Strata Schemes Management Regulation 2016 [NSW] allow a choice of options in relation to the Keeping of Animals (Reg 5) and Smoke Penetration (Reg 9), we earnestly entreat the NSW Government to provide strata schemes with the option to allow or disallow short-term letting such as in respect of Airbnb and otherwise. Admiralty Gardens includes in its By-Laws the following:

Special By-Law 18: Short-Term Lets
(Adopted 18 March 2008; registered 24 April 2008 by dealing AD909651)
1. An owner or occupier of a lot may not use the lot or allow it to be used as a serviced apartment, or for hostel or backpacker accommodation.
2. An owner or occupier of a lot may not use the lot or allow it to be used for a purpose or in a manner contrary to any applicable environmental planning instrument under the Environmental Planning & Assessment Act 1979 or successive legislation.
3. An owner or occupier of a lot may not advertise that the lot is available for a purpose or is available for use in a manner referred to in or proscribed by this By-law.
4. The minimum period for leasing of a lot shall be six (6) months.

This By-Law was adopted with no vote being cast against and to date has not been challenged directly. We request that government take relevant action so that this Special By-Law remains effective.

Admiralty Gardens has suffered instances of poor behaviour and recently was the victim of tagging on our rooftop observation deck by graffiti artists who gained illicit entry. In response, we have tightened security progressively and prefer to be in the position that the identity of an invitee is well-known to a resident or the subject of specific personal invitation. We doubt that Airbnb clients are so qualified.

Airbnb clients are more or less here today and gone tomorrow with no long-term responsibility for the care of a building or to the quiet enjoyment of its strata community. We are not a hotel; we do not have front-of-house desk staff or night-duty staff available on the spot to deal with a problem that might arise. There is no visitor parking available or porte-cochere arrangement where unloading of luggage might be facilitated.

Admiralty Gardens and its sister building, Clifton, are co-located toward the eastern end of the spine of the Kirribilli peninsula directly opposite the Opera House and are clearly visible from that vantage point. While neither building is iconic, they are of sufficient prominence to be vulnerable to terrorist action aimed at creating a “show” in circumstances where truly iconic buildings are now subject to stringent security. Our assessment of risk gives weight also to our proximity to Admiralty House and Kirribilli House.

For these several reasons, we reiterate our earnest request that Admiralty Gardens with all other strata schemes be empowered to allow or disallow short-term lets to accord with the best interests, safety and quiet enjoyment of the particular strata community as judged and determined by that community.

Margaret Goldrick
Strata Committee Member
08 October 2017

Kevin Troy
Chairman of Strata Plan 2707