

Dear Owners,

With the increasing use of apartments for short term letting, the Erko Strata Committee is writing to all owners to advise them of the current rules and conditions (Attached) specifically relating to the Erko Strata Complex 89914.

We are aware that there are some ten owners currently in Erko Apartments who are listing their units through Airbnb, Stayz and others. If you are currently leasing your apartment for short term letting, or considering doing so, you are/will be in breach of Erko's planning approval and the Erko By-laws. The development consent for Erko Apartments issued by the City of Sydney Council, states that the accommodation portion of the buildings (levels 1 to 8) must be used as permanent residential accommodation only.

The owner or occupier of a lot must ensure that it is not used for any purpose that is prohibited by council planning regulations and other laws. They must also ensure that the lot is not occupied by more people than are allowed, and that the use of the lot does not create a nuisance or hazard to others in the strata scheme.

If you are leasing your apartment under a residential tenancy lease, it is your responsibility to ensure that tenants also comply with the Erko By-Laws and rules.

The Erko Strata Committee will take steps to ensure that all owners comply with all by-laws, including taking all reasonable action, as outlined in our by-laws and that will include the enforcement of penalties through the NSW Civil and Administrative Tribunal.

If you have any questions or concerns you may contact the Secretary at secretarysp89914@outlook.com or our Strata Manager, Stuart Denney, Strata Plus. Stuart.Denney@strataplus.com.au.

Kind Regards

Cynthia Carr
Chair, SP89914

Attachment: SP89914 Erko Regulations and Restrictions on Short Term Letting arrangements

Clause 45 of the development consent for Erko Apartments issued by the Sydney City Council, states that the accommodation portion of the buildings (levels 1 to 8) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 1998 and the terms of the restrictions on use contained in the instrument registered with Land and Property Information under s88B of the Conveyancing Act 1919:

PENALTY

Generally, the maximum penalty for a breach of a by-law is \$1,100.00. If the same breach is committed within twelve (12) months, the maximum fine is doubled to \$2,200.00.

However, the maximum penalty for a breach of occupancy by-laws (namely excessive number of occupants, currently limited to two persons per room) is \$5,500.00.

Any fines levied by NSW Civil and Administrative Tribunal are paid to the Owners Corporation unless the Tribunal makes an alternative order.

RELEVANT BY-LAWS

Compliance with Laws

2.8 Each Owner and Occupier must perform and observe all Laws relating to their Lot including without limitation any requirement, notices and orders of any Government Agency.

Covenants and Easements

2.9 Each Owner and Occupier must perform and observe the provisions of any covenant, easement or right of way affecting their Lot or the Common Property.

The following encapsulates the terms of clause 45 of the development consent for Erko Apartments issued by the Sydney City Council, and the terms of the restrictions on use contained in the instrument registered with Land and Property Information under s88B of the Conveyancing Act 1919:

- (a) The accommodation portion of the buildings (levels 1 to 8) must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 1998, and;
- (b) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds (excluding children and children's beds, cots or bassinets);
- (c) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms;
- (d) If a unit contains a tenant, occupation must be subject to a residential tenancy agreement with a minimum of three (3) months term;
- (e) The owner, tenant or Owners Corporation must not permit a Building Manager or agent to advertise or organise short term accommodation or share accommodation in the buildings;
- (f) Car parking spaces may only be used for parking of vehicles related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.