

20 September 2021

The Hon Kevin Anderson MP  
Minister for Better Regulation & Innovation  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Minister

### **Roadmap to Freedom: Strata Facilities and Unvaccinated Residents and Visitors**

As NSW moves towards 70 – 80 % vaccination problems are arising in residential strata complexes about unvaccinated users' access to shared strata facilities. To reduce the risk of a Delta outbreak, we are asking the NSW Government to make a clear and unequivocal statement that future public health orders will apply to facilities in all settings, including residential strata and community title schemes.

The Premier, The Honourable Gladys Berejiklian, has foreshadowed that people who are double vaccinated will soon have access to gymnasiums, pools, personal fitness classes, theatres, meeting and event spaces. There will also be additional measures such as capacity limits and gathering requirements that will also change as vaccination levels increase.

The closure of pools, gyms, spas and saunas in the residential sector has been contentious. This is despite increased public understanding that the Delta variant is highly transmissible and more virulent than the Alpha strain. Strata Committees have faced criticism and demands for access, which have caused delays in closing facilities. Some facilities have remained open or re-opened with voluntary QR codes, cleaning, reduced capacity limits, mask wearing and monitoring through CCTV.

There are over 80,000 schemes in NSW and one in five people live in high density strata environments. It is common for larger schemes to have swimming pools, gyms, spas and saunas. Some complexes are comprised of multiple buildings housing thousands of people.

Naturally, as the Roadmap to Freedom is implemented over the coming weeks residents will increasingly expect strata facilities to re-open. This poses a challenge for Strata Committees and Community Associations, who are on uncertain ground if unvaccinated residents and visitors are refused access to these facilities to reduce the risk of an outbreak.

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Owners corporations have a duty of care and must act reasonably to protect the welfare and safety of everyone. This includes keeping the common property reasonably safe, preventing dangerous conditions, and maintaining a safe and healthy workplace for those working on the property. But they need legal authority to act, and management statements and by-laws were never intended to protect high density populations during a global public health emergency. It also takes time to develop these instruments; it requires a general meeting of owners. It is not possible respond quickly to changing conditions, would be of uncertain validity, and most certainly generate conflict and legal challenge.

While the global pandemic is a novel situation for NSW, covid safe measures have been applied to both public and private recreation facilities in comparable cities. On 9 September 2021 Singapore, which had fully vaccinated 81% of its population by 5 September 2021, issued safe management measures that differentiate vaccinated from unvaccinated users in all public and private sports and recreational facilities. In April, New York City issued both temporary mandatory and best practice guidance for all fitness activities and facilities including hotel, residential, university, and commercial gyms.

We therefore ask that you make urgent representations to the Premier, the Minister for Health and the Chief Health Officer that the Public Health Order requirement to re-open facilities and venues also be applied to our sector. It is our expectation that to re-open facilities, such as gymnasiums and indoor pools, that the NSW Government would prefer this to be done under covid safe conditions. If a scheme is unable to implement covid safe measures they should remain closed for the time being as requested by Dr Chant PSM Chief Health Officer, in her letter of 26<sup>th</sup> August 2021 (copy attached).

Yours sincerely

A handwritten signature in black ink that reads "K Stiles". The signature is written in a cursive, slightly informal style.

Karen Stiles  
Executive Officer