

## The Problems with Apartments and Land Acquisition in Australia for Foreign Citizens (An International Overview)

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**Abstract.** *This research aims to determine the quality of apartment buildings in Australia which are now in the spotlight, after the last case experienced by residents of the Mascot Towers complex in Sydney. They had to be evacuated because of cracks in the building. Previously also in Sydney, about 3,000 residents of the Opal Towers apartment were evacuated due to the collapse of the building's supporting beams. This research is a qualitative research in which the researchers themselves are engaged in the field as a key instrument. The results and discussion show that a number of apartment owners in other cities who were contacted explained that they are now worried that the structure of their apartment buildings is not safe to live in. They also had to pay for the damage themselves. One of them is John Grant, who owns an apartment in Canberra that he bought for \$640,000 in 2011. Not long ago, cracks appeared that spread across the floor of the apartment parking lot. Grant said he had information that the crack could be repaired, but that the cost was estimated at \$9 million. If this cost is to be borne by the owners of the apartments in the complex, each must pay \$75,000. The conclusion in this study is that due to the inconvenience of existing apartments, apartment owners are now filing lawsuits against contractors, developers and designers of their apartment buildings.*

**Keywords:** Apartments; Construction; Land.

### 1. Introduction

Property consultant Edwin Almeida explained that the problem of declining building quality was actually triggered by the deregulation<sup>1</sup> of the approval process for the

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<sup>1</sup> Jo, W. J. and Sohn, J. Y. (2009) The effect of environmental and structural factors on indoor air quality of apartments in Korea, *Building and Environment*, 44(9), pp. 1794–1802. doi:10.1016/j.buildenv.2008.12.003, see Juan, Y. K., Gao, P. and Wang, J. (2010) A hybrid decision support system for sustainable office building renovation and energy performance improvement, *Energy and Buildings*, 42(3), pp. 290–297. doi:10.1016/j.enbuild.2009.09.006

construction of apartment buildings in Australia in 1989. Another factor, according to Almeida as quoted by the Financial Review media, was the rampant construction of high-rise buildings on land that actually did not meet the requirements for tall building<sup>2</sup>.

Then since 2014/15, he said, the burden of responsibility for apartment developers has become "almost zero" in terms of building quality. In the current property industry in Australia, many parties involved in the construction process such as supervisors, he said, only rely on documents and other parties without physically inspecting the building site. Deakin University property analyst Dr Nicole Johnston said potential apartment buyers today often have no way of knowing there are structural problems with their apartment buildings. Dr Johnston compiled a report which identified poor leak-proof materials used, unsafe cladding and a risk of fire. The costs required for repairs are far greater than if it was done from the start.

Asked for comment, Australian Industry Minister Karen Andrews explained that state governments are responsible for implementing building codes and that there is a crisis of confidence in the building sector that needs to be taken seriously. But the head of the Australian Property Council, Ken Morrison, separately insisted that Australia had the best building standards in the world. Buyers should be assured that most of these problems are relatively minor. The types of incidents we have seen in the media<sup>3</sup> in recent months are quite rare. While state regulations vary, there is still a workaround when an owner discovers their apartment building has a defect. If there is a defect, according to the law the contractor must return to repair the defect at their own expense<sup>4</sup>.

## 2. Research Methods

This research is a qualitative research in which the researchers themselves are engaged in the field as a key instrument. Primary data is obtained from field observations and interviews, then secondary data is obtained from literature studies

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<sup>2</sup> Bell, M. and Lowe, R. (2000) Energy efficient modernization of housing: a UK case study, *Energy and Buildings*, 32(3), pp. 267–280. doi:10.1016/S0378-7788(00)00053-0

<sup>3</sup> Johansson, P., Nylander, A. and Johnsson, F. (2007) Primary energy use for heating in the Swedish building sector—current trends and proposed target, *Energy Policy*, 35(2), pp. 1386–1404. doi:10.1016/j.enpol.2006.03.025, see Johansson, P., Nylander, A. and Johnsson, F. (2007) Primary energy use for heating in the Swedish building sector—current trends and proposed target, *Energy Policy*, 35(2), pp. 1386–1404. doi:10.1016/j.enpol.2006.03.025

<sup>4</sup> Juan, Y. K., Gao, P. and Wang, J. (2010) A hybrid decision support system for sustainable office building renovation and energy performance improvement, *Energy and Buildings*, 42(3), pp. 290–297. doi:10.1016/j.enbuild.2009.09.006

of journals, books, magazines and related materials.

### 3. Results and Discussion

#### 3.1. Developers from Melbourne, Australia completed the construction of the 380 Melbourne Apartment project

The construction of this<sup>5</sup> 2 tower apartment continues to run smoothly and according to plan even though it is taking place in the midst of the COVID-19 pandemic. Currently, Apartment 380 has status ready for occupancy and is ready to be handed over to the buyer. Indonesian investors, especially those with children who go to school in Melbourne, see an opportunity that cannot be missed to buy Apartment 380 Melbourne at this time<sup>6</sup>.



\*Interior of Apartment 380 Melbourne

Judging from the Brady Group's data regarding the current number of applicants, they make housing in Melbourne a necessity, as well as a long-term investment goal. The majority of Apartment enthusiasts in Melbourne are planning to buy apartment units now to get low prices and some incentives from the government that can't be missed because they are only valid until June 2021. Government incentives that

<sup>5</sup> Bluysen, P. M. (2000) EPIQR and IEQ: indoor environment quality in European apartment buildings, *Energy and Buildings*, 31(2), pp. 103–110. doi:10.1016/S0378-7788(99)00024-9, see Burinskienė, M. (2003) *Subalansuota miestų plėtra* [Sustainable Urban Development]. Vilnius: Technika, 251 p. (In Lithuanian)

<sup>6</sup> Burinskienė, M. and Rudzkiene, V. (2009) Future insights, scenarios and expert method application in sustainable territorial planning, *Technological and Economic Development of Economy*, 15(1), pp. 10–25. doi:10.3846/1392-8619.2009.15.10-25, see Būsto ir urbanistinės plėtros agentūra (2009) Pasiūlymai dėl daugiabučių namų suskirstymo į grupes, kuriuos reikėtų atnaujinti pirmumo tvarka [Suggestions on classification of apartment houses into groups which should have the priority in retrofit]. Housing and Urban Development Agency. Available at: <http://www.am.lt/VI/index.php#a/9879> [accessed 25 May 2022] (In Lithuanian)

provide a 50% discount on building stamp duty tax for property prices below 1 million dollars Australia is considered very tempting because this kind of incentive has never been given in history.

The Brady Group has had a representative office in Jakarta – Indonesia since 1999 specifically to serve Indonesian investors and is proof of the commitment of this Australian developer to serve and provide good after sales service. 3.2. Australian Property Market Slows, Emerges "Ghost Apartment" Phenomenon.

The number of properties on offer on the Australian market is currently the lowest in 12 years. Meanwhile, new apartment construction activities are still ongoing, causing the emergence of the "ghost apartment" phenomenon. The slowdown in the property market was most pronounced in Sydney and Melbourne. In these two cities, the number of units offered was reduced by around 30 percent compared to peak times.

This decline has had a direct impact on the income of the states of New South Wales (NSW) and Victoria from the stamp duty sector for property transactions (stamp duty). Annual data compiled in late May by industry analyst CoreLogic shows the number of listings in Brisbane, Canberra and Perth has also declined in the past year. However, in several other cities the property market is still more positive, as happened in Adelaide, Hobart and Darwin. The slowdown is being felt in suburban areas such as the Yarraville area, in Melbourne's west.

A property investor here, Dana Sawyer, admits to spending \$30,000 on renovations to a three bedroom home that was offered to the market for \$800,000 to \$850,000 (around Rp. 9 billion). Until now, Sawyer's house has not been in demand. Everyone seems nervous; seems reluctant to do anything. Local real estate agent Adam Welling confirms that potential buyers of Melbourne properties are now reluctant to make a purchase. As a result, said Welling, the owners are currently holding off on selling their properties.

Many sellers are worried that their homes will not sell if they are released to the market, because buyers are reluctant to make purchases. The same conditions occurred in Sydney. Retired couple Tom and Larissa Bergmann said they had put off selling their property due to the sluggish market. Their home near Botany Bay has been occupied for over 20 years. Their house is fairly large complete with a garden. The couple, who are in their 70s, are considering moving to a downsized house. But the current market conditions make them do not expect to realize their dreams in the near future.

In addition, an apartment owner in Melbourne, Andy White, who was contacted confirmed that the system referred to by Ken Morrison did not apply in his case. After a fire broke out in one of the apartments in the complex, investigators found that the building used flammable cladding. The contractor who built the apartment filed for bankruptcy in August 2018, leaving the owners alone to incur up to \$3 million in repair costs.

White explained that he bought the apartment for 320,000 but now the price is much lower. Many people are frustrated and hopeless now that they are stuck with a property that is almost worthless today. He laments how easy it is for contractors to liquidate their companies if they find themselves held liable for defective buildings. He also urged the government to step in and make a law so that those responsible are obliged to fix it.

### **3.2. Even though there are problems, apartment development continues**

In the midst of a sluggish property market in Melbourne and Sydney, the construction of new apartments continues. This further exacerbated market conditions. According to property data agency SQM Research, the rental vacancy rate in Sydney reached 3.4 per cent last month or the highest level since 2005. The apartment vacancy rate in the City of Sydney and City of Parramatta - areas with the highest density of apartment buildings - each stood at 5.4 percent and 3.7 percent.

Existing data suggests 54,000 new apartments built in Sydney between 2018 and 2019 will be ready for occupancy later this year, causing an oversupply. Economist from My Housing Market Andrew Wilson explains this condition has created what is known as the phenomenon of "ghost tower apartments" (ghost tower apartments). Apartments with two bedrooms on the outskirts of Sydney City are now selling for up to around IDR 9 billion per unit.

This sluggish condition is also exacerbated by the lack of tenants in these apartments. All these factors gave rise to empty apartment buildings. SQM Research CEO Louis Christopher separately explained another factor driving the "ghost apartment" phenomenon, namely the act of foreign investors buying properties for storage, waiting for prices to rise and then letting them go.

According to Christopher, some investors prefer to leave their properties vacant so that it is easier to sell them when market conditions change. The government has actually tried to overcome this situation. In December 2017, the Federal Government began taxing foreign-owned apartments that are left vacant or rented

for less than six months of the year.

However, this rule only applies to properties purchased after May 2017 when the property boom in Sydney has passed. Sydney's largest apartment developer, Meriton, says the "ghost apartment" phenomenon is not a problem. Instead, the company blamed the large area of land that could be developed as the biggest problem due to bureaucratic factors. Another developer, Dylam, which focuses on the western Sydney area, told the ABC it was continuing to build in that area. Three of their four apartment buildings, consisting of 279 units, are now completed and "occupied".

The Australian central bank (RBA) lowered interest rates to 1.25 percent. Property observer Trent Wiltshire also sees the situation showing signs of improving. He was referring to the action of the RBA central bank to reduce lending rates recently. But he acknowledged sales records at his agency showed early 2019 the number of housing transactions hit their lowest level in two decades.

Indonesians are one of the largest community of property investors in Australia. "Indonesian people are the second largest investor community for Crown Group who have experienced how profitable it is to invest in Australian property, especially in Sydney," said Commissioner and CEO of Crown Group Iwan Sunito, launching a press release, Tuesday (24/5/2022). According to him, foreign investors who are active in the Australian property sector come from China and Indonesia.

Investors from the two countries want to get stock of apartment units that have been completed as an investment by offering affordable prices. Iwan explained, investors who are considering acquiring Australian apartment units should act now by buying from trusted developers with a clear track record and producing quality apartments within budget.

Investors can lock in prices that may continue to rise and the profits are saved for the next purchase in the future. This is important considering that Australia is still experiencing a housing shortage, while Australia's population growth is increasing. Currently the population of Australia is 26,063,139 people with an average growth of 1 percent each year. According to data from Treasury.gov.au, with current trends, the population of Australia is predicted to reach 35.9 million by 2050. Meanwhile, based on the Australian Bureau of Statistics, at the end of June 2019 there were 88,740 Indonesian-born people living in Australia or 29.4 percent. more than 68,570 on 30 June 2009.

Benefits It is one of the largest migrant communities in Australia, equivalent to 1.2 per cent of the Australian migrant community and 0.3 per cent of the total Australian population<sup>7</sup>. In addition, the Sydney property market, which never stops moving forward, is one of the reasons this is happening. Coupled with rising construction and material costs, limited supply of raw materials and labor shortages in Australia over the next few years. Over the next two years, Iwan believes that more apartment units will be sold than landed houses. Even though buying an apartment is considered a solution, consumers must still be prepared to face price increases<sup>8</sup>.

According to him, the availability of off the plan apartment units and apartments that have been completed is decreasing day by day. This means that there is a movement of owners-occupiers and investors who are very active at this time or post-pandemic. "Investors are returning to the market because rental prices are increasing which allows them to offset rising interest rates through rising rental prices," Iwan explained again. Responding to this condition, Iwan believes that it makes a lot of sense for consumers if they are seen rushing to buy property now. The aim is to avoid double-digit price increases caused by increasing construction and material costs, coupled with labor constraints.

The Australian Government's policy of opening international borders since 21 February 2022 has created new problems for prospective apartment tenants in the country, especially students and foreign students who have returned to major cities in Australia such as Sydney and Melbourne<sup>9</sup>.

<sup>7</sup> Ignatavičius, Č. (2004) Pastatų konstrukcijos. Rekomendacijos būsto ir gyvenamosios aplinkos renovacijai [Building structures. Guidelines for renovation of dwellings and residential environment]., see Vilnius, Lithuania, Vol. 1, pp. 258–264. International Energy Agency (2008) Energy consumption by sector. Available at: <http://www.eia.doe.gov/emeu/aer/pdf/pages/sec2.pdf> [accessed 21 December 2022, see Jo, W. J. and Sohn, J. Y. (2009) The effect of environmental and structural factors on indoor air quality of apartments in Korea, *Building and Environment*, 44(9), pp. 1794–1802. doi:10.1016/j.buildenv.2008.12.003

<sup>8</sup> The Municipal Company "Vilniaus planas", pp. 135–179. (In Lithuanian) Ignatavičius, Č. (2009) Stambiaplokščių namų natūriniai tyrimai, išvados ir rekomendacijos namų modernizavimui: mokslo darbo ataskaita [Large-panel buildings: experimental research conclusions and recommendations for their modernisation. Research report] 100 p. (In Lithuanian), see Ignatavičius, Č., Zavadskas, E. K. and Ustinovičius, L. (2008) Modernization of large-panel houses in Vilnius. In: *Proceedings of the the 9th international conference on Modern building materials, structures and techniques*, 16-18 May, 2007

<sup>9</sup> Girčys, G., Gruževskis, B., Juknys, R., Miškinis, V., Pakalnis, R., Staniškis, J., Stoškus, L., Vėbra, E., Zemeckis, R., Zurlytė, I. and Žilinskienė, D. (2005) Nacionalinės darnaus vystymosi strategijos įgyvendinimo 2003–2004 metais ataskaita [Report on implementation of the national strategy for sustainable development in 2003– 2004]. Available at: <http://www.sd-network>. 168 S. *Raslanas et al.*

Nicola Powell, Senior Research Analyst for the Domain Group, said that currently Australia is on the verge of a rental "crisis" because demand for apartment rentals continues to increase sharply. The high demand has occurred since February 2022 or after the full reopening of international borders for tourists holding visas and having been vaccinated twice after being closed for two years. As a result, there has been a major shift in the rental apartment market, with the vacancy rate for rental apartments in the City of Sydney steadily declining to 1.4% in February (down from 1.9% in January 2022), according to Domain's latest Rental Vacancy Rate Report. This 1.4% percentage is the lowest point on the rental market in the City of Sydney since November 2017<sup>10</sup>.

The impact of high demand saw unit rental prices rise by AUS\$30 in a year, or 6.4%, to an average of AUS\$500, making it the sharpest annual increase in eight years. The figure surpasses the cost of renting a landed house for the first time since the pandemic. Powell said the apartment rental market in Sydney, especially in the city center, had experienced a rapid recovery after experiencing a decline in demand at the start of the pandemic. The Vacancy Rate is defined by SQM Research, an independent property research and forecasting agency as the percentage of all rental properties that are 'listed' that have been advertised for more than 3 weeks (and are currently still being advertised)<sup>11</sup>.

A 3% vacancy rate is considered 'healthy' because it is considered the equilibrium point at which the market balances equally between landlords and tenants. The very

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eu/pdf/resources/NSDS-Eval-Report\_Lithuania.pdf [accessed 12 January 2023], see Juozaitienė, J. (2007) Daugiabučių gyvenamųjų namų padėtis Lietuvoje [Situation of apartment houses in Lithuania]. In: *Proceedings of the conference on the State and consumers are in charge of heating expenditures*, 7 November 2007. Available at: [http://www.lsta.lt/files/events/1\\_j.juozaitiene.ppt.pdf](http://www.lsta.lt/files/events/1_j.juozaitiene.ppt.pdf) [accessed 23 April 2022] (In Lithuanian)

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<sup>11</sup> Darni urbanistinė plėtra Lietuvoje (2008) Darni urbanistinė plėtra Lietuvoje – problemos ir sprendimo būdai [Sustainable urban development in Lithuania: problems and solutions]. Conference proceedings, 9 April 2008, *LRS, 2008. Vilnius: Valstybės žinios*. ISBN 978-9986-18-181-1. (In Lithuanian), see EXPO 2000 Hannover (2000) The Hellersdorf project. Hannover, 2000. (In German) Filippin, C. and Larsen, F. S. (2009) Analysis of energy consumption patterns in multi-family housing in a moderate cold climate, *Energy Policy*, 37(9), pp. 3489–3501. doi:10.1016/j.enpol.2009.03.065



low vacancy rate below 2% as currently exists signifies high rental demand, requiring new properties on the market to meet tenant demand.

Responding to the vacancy rate crisis that occurred in Sydney, Director of Sales and Marketing at Crown Group Indonesia, Tyas Sudaryomo, revealed that this crisis could have been predicted beforehand. This is because many new residential developments, especially apartments, have been hampered in the last two years, resulting in reduced supply in the market, especially in the inner city areas such as Waterloo and Eastlakes. During the 2020-2021 period, Sydney experienced a decline in rental demand due to the Covid-19 pandemic and this can be seen in the average vacancy rate which touched 4% or above 3%<sup>12</sup>.

According to data from the Indonesian Embassy in Australia, on March 29 2020, the number of foreign students holding Australian visas was 694,038 students. However, as of 28 June 2021, the number of foreign students holding Australian visas decreased by 31.9% in a span of 15 months.

This is because almost 85% of students who already have study visas are still abroad or in their home countries due to the border closure policy due to Covid-19. But once Australia opened its international doors, rental demand soared in just a few months to the vacancy rate hitting 14%. The lowest since 2017.

#### **4. Conclusion**

The high number of requests for buying and selling or renting apartments in Australia is not comparable to the units that are ready for rent, so there are difficulties in being able to fulfill every request. In addition, the problem of the level of comfort and quality of building construction must be considered by the developer so that consumers become comfortable and do not cause disputes in the future.

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