

RENOVATIONS FACTSHEET

RENOVATIONS TO A LOT

When proposing to undertake renovations to a lot, the lot owners should review the existing registered strata plan's by-laws, this factsheet and we suggest you complete the accompanying application form and checklist. Upon completion, please submit the application form and checklist, along with any supporting documentation, to the owners corporation, care of Bright & Duggan Pty Ltd. This will allow us to communicate your plans to the owners corporation in an attempt to gain their approval.

THE LOT

In most strata schemes, the lot owner owns the inside of the unit but not the main structure of the building. Usually the four main walls, ceiling, roof and floor are common property. The internal walls within the lot (e.g. the wall between the kitchen and lounge room), floor coverings such as carpet and fixtures such as baths, toilet bowls and bench tops are all the property of the lot owner.

It is also important to note that while non-load bearing internal walls are not defined as common property, a Council Development Application may still be required where you are changing the dimensions of any room. The Council Development Application requires approval by the owners corporation.

AIRSPACE

A lot owner effectively owns the airspace (and anything included in the airspace) inside the boundary walls, floor and ceiling of the lot. Lot airspace may include balconies and courtyards. Everything within the airspace must be maintained at the owner's cost.

AREAS OF COMMON PROPERTY

The following is a checklist for common property:

- floor includes a ramp or stairway;
- wall includes any door, window or other structure within the wall and their working parts;
- ceramic tiles originally attached to a common property surface (e.g. the floor or boundary wall);
- pipes in the common property or servicing more than one lot (ducting panels);
- electrical wiring in the common property or servicing more than one lot;
- parquet and floor boards originally installed;
- vermiculite ceilings, plaster ceilings and cornices;
- magnesite finish on the floor;
- balcony doors are usually common property if the strata plan was registered after 1 July 1974;
- load bearing columns or walls;
- the slab dividing two storeys of the same lot, or one storey from an open space roof or garden areas of the lot (e.g. a townhouse or villa), is usually common property if the strata plan was registered after 1 July 1974, unless the registered strata plan says it is not.

ALTERATIONS TO COMMON PROPERTY

Section 108 of the *Strata Schemes Management Act 2015 (NSW)* requires a special resolution to first be passed before an owner of a lot, can add to, alter or erect a new structure on the common property. If the resolution passes on the obligation to repair and maintain the affected common property to the lot owner, a by-law must be adopted to that effect, with the lot owner's written consent.

If the resolution relates to the installation or financing of sustainability infrastructure or accessibility infrastructure, or by-laws related to either of those, then only a majority vote is required. This means the resolution is approved if less than 50% of the valid votes cast are against the resolution.

COSMETIC WORK

Cosmetic work under section 109 requires no approval from the owners corporation and includes, but is not limited to, work for the following purposes:

- (a) installing or replacing hooks, nails or screws for hanging paintings and other things on walls;

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- (b) installing or replacing handrails;
- (c) painting;
- (d) filling minor holes and cracks in internal walls;
- (e) laying carpet;
- (f) installing or replacing built-in wardrobes;
- (g) installing or replacing internal blinds and curtains; and
- (h) any other work prescribed by the regulations for the purposes of this subsection.

Cosmetic work excludes:

- (a) work that consists of minor renovations for the purposes of section 110;
- (b) work involving structural changes;
- (c) work that changes the external appearance of a lot, including the installation of an external access ramp;
- (d) work that detrimentally affects the safety of a lot or common property, including fire safety systems;
- (e) work involving waterproofing or the plumbing or exhaust system of a building in a strata scheme;
- (f) work involving reconfiguring walls;
- (g) work for which consent or another approval is required under any other Act; and
- (h) any other work prescribed by the regulations for the purposes of this subsection.

MINOR RENOVATIONS

Under section 110 minor renovations may be carried out with the approval of an ordinary resolution at general meeting (or under delegation to the strata committee).

Minor renovations include, but are not limited to, work for the purposes of:

- (a) renovating a kitchen;
- (b) changing recessed light fittings;
- (c) installing or replacing wood or other hard floors;
- (d) installing or replacing wiring or cabling or power or access points;
- (e) work involving reconfiguring walls;
- (f) removing carpet or other soft floor coverings to expose underlying wooden or other hard floors;
- (g) installing a rainwater tank;
- (h) installing a clothesline;
- (i) installing a reverse cycle split system air conditioner;
- (j) installing double or triple glazed windows;
- (k) installing a heat pump;
- (l) installing ceiling insulation; and
- (m) any other work prescribed by the regulations for the purposes of this subsection.

Minor renovations **do not include**:

- (a) work that consists of cosmetic work for the purposes of section 109;
- (b) work involving structural changes;
- (c) work that changes the external appearance of a lot, including the installation of an external access ramp;
- (d) work involving waterproofing;
- (e) work for which consent, or another approval is required under any other Act;
- (f) work that is authorised by a by-law made under this Part or a common property rights by-law; and
- (g) any other work prescribed by the regulations for the purposes of this subsection.

Applicants should verify whether the owners corporation has adopted a general by-law for minor renovations that delegates authority to the strata committee to assess, approve, and impose conditions on renovation requests submitted by owners.

Note: written reasons for refusal of a minor renovation request are required within three months, or the request is automatically approved

If the strata committee is delegated the authority to decide on the minor renovation request, it must provide a decision within three months of receiving the request. If refusing the request, the strata committee must provide written reasons for refusal. If no written reasons are provided, or if the strata committee fails to respond within three months, then the owner's request is automatically approved.

Owners corporations must also keep for 10 years their written records of minor renovations requests that have been approved.

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CLARIFICATION OF COMMON PROPERTY

The registered strata plan defines the boundaries between common property and lots in a strata scheme. If you wish to clarify any areas of common property for your strata scheme, please contact Bright & Duggan for further information.

EXCLUSIVE USE BY-LAW

If the alterations affect common property, and the obligation to repair and maintain the affected common property is to be passed to the lot owner, an exclusive use by-law must be drafted (preferably by the lot owner's solicitor). The solicitor will be aware of what terms and conditions the exclusive use by-law will need to contain with consideration to issues such as:

- That the work be performed by a licensed tradesperson. The lot owner should provide necessary details so that a licence check can be made.
- That the tradesperson is adequately insured and inclusive of public liability.
- That the lot owner is specifically documented as being responsible for the repair, maintenance and/or replacement of any 'works' and that this responsibility passes to any subsequent lot owner.
- That the lot owner is responsible for rectification of any damage to common property.
- That the work will be performed whilst creating minimal disturbance to other residents and avoiding damage to common property. For example:
 - ❖ Transportation of all construction materials, equipment, debris and other material will be managed in a manner reasonably directed by the owners corporation.
 - ❖ All areas of the building outside of the lot will be protected from damage by the works or by the transportation of construction materials, equipment and debris in a manner reasonably acceptable to the owners corporation.
 - ❖ All areas of the building outside of the lot will be kept clean and tidy throughout the performance of the works.
 - ❖ The works will be performed during times approved by the owners corporation.
 - ❖ The works will not create any noise that causes discomfort, disturbance or interference with activities of any other resident of the building.
 - ❖ Debris will be removed immediately from the building during the works.
 - ❖ The lot owner will comply with the requirements of the owners corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the works.

Where an exclusive use by-law is required, plans, quotes, engineer reports, the proposed by-law and other supporting documentation must be presented to the owners corporation along with the lot owner's written consent confirming that should the by-law be passed at the meeting by special resolution, that it can be registered at NSW Land Registry Services (LRS) (refer to Sections 141, 142, 143, 144 and 145 of the *Strata Schemes Management Act 2015 (NSW)*).

SPECIAL RESOLUTION

Following receipt of the documentation, the strata committee should request the secretary to add the motion for discussion at the next annual general meeting. However, if the lot owner wishes to expedite the process they may, at their expense, request in writing that an extraordinary general meeting be held to resolve the matter.

The exclusive use by-law must be presented at the general meeting as a proposed special resolution. For a special resolution to be passed, no more than 25% of the votes cast must be against the resolution, based on unit entitlement. Exclusive use by-laws relating to sustainability infrastructure and accessibility infrastructure require a majority resolution to be passed, which are approved with 50% of eligible votes cast. Bright & Duggan will make the necessary arrangements to have the by-law registered with LRS (at the cost of the requesting lot owner). A by-law must be registered within six (6) months of the passing of the resolution, otherwise the decision is considered lapsed and the motion would need to be passed again at another general meeting.

Any lot owners who fail to follow the correct procedures run the risk of having orders made for the reinstatement of common property to its original form.

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ALTERATIONS NOT AFFECTING COMMON PROPERTY

If the alterations do not impact common property it is still a requirement that any alteration to the lot must be brought to the attention of the owners corporation. The lot owner, in accordance with Section 152 of the *Strata Schemes Management Act 2015 (NSW)*, must advise the owners corporation in writing giving 14 days notice of their intention to alter the lot. This provides the owners corporation with sufficient time to ask questions, or if necessary, make application for an order or interim order.

The strata committee may receive this advice, and if satisfied, advise the lot owner that they acknowledge receipt of the notice and have no objections to the proposed alterations.

REINSTATEMENT OF COMMON PROPERTY

Any lot owner who fails to follow the correct procedures runs the risk of having orders made for the reinstatement of common property to its original form at their expense.

FEES

In house building consultant	\$185 p/hour
Senior Management/Principal/Director	\$370 p/hour
Senior Strata Manager	\$295 p/hour
Strata Manager	\$265 p/hour
Trainee Strata Manager/Assistant Strata Manager	\$190 p/hour
Senior Strata Projects & Innovation Manager	\$280 p/hour
Strata Projects & Innovation Manager	\$150 p/hour
Strata Projects & Innovation Assistant	\$150 p/hour
Administrative Staff	\$200 p/hour
Property Services/Asset Maintenance Staff	\$200 p/hour
Registration and consolidation of by-laws	\$350 p/registration plus registration agent and/or legal costs (if applicable)
Provide USB drive or DVD	\$55 p/item
Retrieve records from archives	\$130.00 per retrieval
Printing (whether by computer, photocopy or other medium):	
• Under 4,000 copies per month	\$0.68 p/page
• Up to 6,000 copies per month	\$0.58 p/page
• Over 6,000 copies per month	\$0.43 p/page
• Colour printing	\$2.50 p/page
Attend meetings on Fridays (after 5:00pm)	\$700 p/hour
Attend meetings on weekend or public holidays	\$800 p/hour
Adjourned meeting charge	\$250 p/meeting
Scanning	\$0.50 p/page

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The content of this factsheet is intended as a guide only and cannot be relied upon for legal advice. Readers should make and rely on their own enquiries regarding all aspects of the material. Bright & Duggan disclaims any liability for negligence or otherwise in any way connected with this factsheet.

This factsheet does not represent an exhaustive list of all approvals which might be required. You should always consider whether any of the following additional approvals are required:

- Statutory approvals, including development consent/complying development certificate, construction certificate and occupation certificate from Council or a private certifier and plumbing approvals from a water services coordinator.
- Notification to the architect who designed the building, in some cases, where the architect's moral rights under the Copyright Act 1968 might otherwise be infringed.
- Community association approval, where the property forms part of a community title scheme.
- Building Management Committee ("BMC") approval, where the owners corporation is a member of a BMC administering properties of its members under a strata management statement.

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PART 1	APPLICATION AND SITE DETAILS
APPLICANT <i>Please note that the applicant is the only person the owners corporation will communicate with in the matter.</i>	Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Family name (or company) Given names (or CAN) Contact person (if company) Postal address Post Code Telephone (H) Telephone (B) Mobile Facsimile
	SITE DETAILS Strata Plan No. Lot / Unit No. Strata Plan Address Post Code
	OWNER'S CONSENT <i>Every registered owner of the lot must sign this form. If the owner is a company, this form must be signed by 2 directors or a director and a company secretary and the common seal must be stamped on this form if applicable.</i> Name of Owner and/or authorised person Position Title (if company) Address Post Code Telephone (H) Telephone (B) Mobile Facsimile As owner/s of the property to which this application relates, I/we consent to this application. I/we also consent for authorised representatives of the owners corporation to enter the lot at an agreed time to carry out inspections relating to this application if required. Signature/s
Without the owner's consent, the owners corporation will not accept the application. If you are signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence (e.g. Power of Attorney, executor, trustee, company director, etc.)	

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PART 2

PROPOSED RENOVATIONS

DESCRIPTION OF RENOVATION

Describe briefly all proposed renovations to the lot. Please attach further details to the application if necessary. Supporting documentation, such as plans, samples, brochures or specifications should also be attached.

Alteration ☐ Erection of structure ☐ Demolition ☐ Other ☐

Cosmetic Work ☐ Minor Renovation ☐

ESTIMATED COST OF WORK

The estimated cost of the renovations, labour and materials, or contract price should include GST.

Estimated cost of work: \$

Name, qualified and signature of qualified person certifying cost of work:

PART 3

CHECKLIST AND DECLARATION

All the details in the accompanying checklist must be provided. A lot inspection may be provided. A lot inspection may be necessary prior to the assessment of any application. Bright & Duggan will contact you if this is deemed necessary by the owners corporation or its nominated representative.

The completed checklist must be submitted with this application. Failure to provide the required documentation in an acceptable form and to an acceptable standard is likely to result in your application being returned by the owners corporation.

DECLARATION

I apply for approval to carry out the renovation works described in this application. I declare that all the information in the application and checklist is, to the best of my knowledge, true and correct.

I also understand that if the information is incomplete the application may be returned, delayed, rejected or more information may be requested. I acknowledge that if the information provided is misleading, any approval granted may be void.

Signature

Date

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REQUIRED	APPLICANT		OFFICE USE ONLY		
	YES	N/A	YES	NO	N/A
☐ Complete application form Original plus two copies to be included.	☐	☐	☐	☐	☐
☐ Internal structural changes (plans attached) Plans showing the changes to the internal structural components of the lot and penetrations of the structural columns of the building, floors or ceiling are to be provided.	☐	☐	☐	☐	☐
☐ External changes (plans attached) Plans showing the changes to the exterior of the building are to be provided.	☐	☐	☐	☐	☐
☐ Development Application (copy attached) A copy of the Development Application supplied to Council (if required) including all supporting documentation must be provided.	☐	☐	☐	☐	☐
☐ Architectural integrity (evidence attached) The <i>Strata Schemes Management Act 2015 (NSW)</i> requires all works to be in keeping with the architectural integrity of the existing building.	☐	☐	☐	☐	☐
☐ Floor coverings (evidence attached) The <i>Strata Schemes Management Act 2015 (NSW)</i> requires that all non-wet areas are to be covered with soft coverings, such as carpet, or otherwise treated to an extent sufficient to prevent the transmission of noise from floor space that is likely to disturb the peaceful enjoyment of other occupiers.	☐	☐	☐	☐	☐
☐ Air conditioning (evidence attached) Air conditioners, ventilations or associated ducting shall not be installed, modified or removed without written approval of the owners corporation. All details including manufacturer's noise ratings, compressor size, location of plant and fittings must be supplied.	☐	☐	☐	☐	☐
☐ Plumbing, electrical and fire (evidence attached) - All plumbing and electrical work to be performed by a licensed tradesperson to the standards of relevant authorities. Evidence to be attached. - Installation or replacement of hot water services, if fitted, must have overflow trays and drains installed in accordance with Australian Standards. Evidence to be attached. - Installation or replacement of quick-shutting (quarter turn, level action or similar) taps are to be fitted with water hammer arrestors on both hot and cold water lines. Evidence to be attached. - All wet areas are to be sealed in accordance with the Building Code of Australia. Evidence to be attached. - Additions or alterations to the electrical or water supply to the lot are to be detailed. - Additions or alterations to cables, pipes through riser ducts, ceiling, floors or walls (or works of such nature when impacting on common property are to be detailed). - Any alterations, connection or disconnection to the fire detectors are to be detailed. If approved, the changes shall be certified by the fire certification contractor appointed by the owners corporation.	☐	☐	☐	☐	☐

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REQUIRED	APPLICANT		OFFICE USE ONLY		
	YES	N/A	YES	NO	N/A
☐ Access to ducts, risers and windows Areas to which the owners corporation may require access to in the future, such as drainage duct covers and windows, must remain fully accessible and of the same existing size.	☐	☐	☐	☐	☐
☐ Estimated start and finish dates The applicant is to provide details of the estimated start and finish dates.	☐	☐	☐	☐	☐
☐ Exclusive Use By-Law (copy attached) In the event that any changes are to be made to common property and the obligation to repair and maintain the affected common property is to be passed to the lot owner, the applicant must draft (or arrange for a property law specialist to draft) an exclusive use by-law for consideration by the owners corporation at general meeting.	☐	☐	☐	☐	☐

PART 4

INDEMNITY

The applicant hereby indemnifies the owners corporation against:

1. any damage to the common property, or the lot or the lot or another owner, resulting from the works outlined in this application;
2. the cost of repair to the common property and that any such damage will be made good by the applicant at his/her expense within seven (7) days;
3. any fees and expenses incurred in enforcing the conditions of approval and any relevant by-laws; and
4. the cost of a defects survey which may be required for the common property and neighbouring units of the proposed works.

Signature

Date

NO WORKS ARE TO COMMENCE PRIOR TO RECEIVING WRITTEN APPROVAL FROM THE OWNERS CORPORATION OR THEIR AUTHORISED REPRESENTATIVE.

PART 5

OWNERS CORPORATION APPROVAL

This section is to be completed by the owners corporation or their authorised representative.

WORKS CONTRACT

Approval of this application is granted under the following conditions:

All residential building work in excess of \$5,000 requires a written contract and such contract must comply with the *Home Building Act 1989*. A copy must be supplied to the owners corporation.

WORKS HOME WARRANTY INSURANCE

Home Warranty Insurance cover is required for any residential building work where the value exceeds \$20,000 and requires the performance of a licensed tradesperson. A copy must be supplied to the owners corporation.

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OCCUPANTS NOTIFICATION	Seven (7) days prior to commencement of the works written notice shall be provided to all occupants of the scheme and posted on the notice board. The notice must include the following details: ▪ a summary of the works; ▪ the applicant's name and telephone contact details; ▪ the main contractor/s name and telephone contact details; and ▪ Council's approved hours of work.
HOURS OF WORK	The hours of work are strictly limited to between 7.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays (excluding public holidays) except where further Council restrictions apply. Applicants are responsible to make themselves aware of the local Council's requirements.
COMPLIANCE	All works must comply with the Building Code of Australia and all other relevant codes, standards and specifications. The works must also comply with any development or building consent approved by council.
LICENSED TRADESPERSONS	All trades people contracted by the applicant who perform residential work in which the labour content is in excess of \$200.00 or is of a specialist nature, must be licensed.
ACCESS TO COMMON PROPERTY	When access is required to common property, it is the responsibility of the applicant to ensure no damage is caused. Any damage, including dirt or stains to common property flooring, will be made good at the cost of the applicant.
PARKING	Tradespersons and contractors are not permitted to park on common property at any time.
USE OF LIFTS (IF APPLICABLE)	▪ The interior of the lift must be protected against possible damage at all times; and ▪ The lift shall be released for use by other residents after each load.
WASTE DISPOSAL	The applicant is responsible for the removal of all waste resulting from the works. The scheme's garbage bins are not permitted to be used for this purpose. The applicant may (with the consent of the owners corporation) arrange for a waste skip to be located on common property to assist with waste disposal. However, seven (7) days written notice must be provided to all occupants of the scheme, detailing the required deposit date and period of attendance on-site.
VARIATIONS TO APPROVED DESIGNS AND/OR PLANS	The applicant must advise the owners corporation in writing of any proposed variations to the approved designs and/or plans. The applicant must receive approval from the owners corporation for these variations prior to the works being commenced.
CLEANLINESS	The applicant is responsible for ensuring that all common areas, including car parks, passage ways, foyers, staircases, lift cars, etc, are kept clean at all times. If the applicant fails to maintain the standard of cleanliness for the building, the areas will be cleaned by the owners corporation at the expense of the applicant.
REPAIRS AND MAINTENANCE	Ongoing responsibility for all repairs and maintenance are to be met by the applicant.

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PART 6

SIGNATURES AND COMMON SEAL

APPROVAL

Continued approval and access to common property is only granted subject to an undertaking by the applicant that they will comply with these terms and conditions at all times.

The owners corporation reserves the right to stop any works should an incidence of non-compliance with the terms and conditions be evident.

Affix common seal here

The common seal of the owners corporation was affixed on _____ in the presence of:

signature

name

signature

name

designation

designation

being the persons authorised by Section 273 of the Act to attest the affixing of the seal.