

CHANGES TO STRATA LAWS AFFECTING OWNERS RENOVATIONS

The new Strata Schemes Management Act commencing 30 November 2016 brings in several changes which will affect all owners wishing to renovate inside their lots in a strata property.

From 30 November 2016 renovations will be divided into 3 categories.

1. Cosmetic Works, which owners will be able to carry out without prior approval from the Owners Corporation.
2. Minor Renovations, which will require prior approval from the Owners Corporation
3. All Other Renovations, which will need a special resolution of the Owners Corporation to create a by-law.

The Act specifies which type of work fits into each category (see below) but also allows each individual Owners Corporation to add works to these categories so it is vital that you check exactly what applies to your property BEFORE commencing any work inside your lot.

COSMETIC WORK BY A LOT OWNER (SECTION 109)

The owner of a lot in a strata scheme may carry out cosmetic work to common property in connection with the owner's lot without the approval of the Owners Corporation.

Cosmetic Work includes (but is not limited to) the following:

- Installing or replacing hooks, nails or screws for hanging paintings and other things on walls,
- Installing or replacing handrails,
- Painting,
- Filling minor holes and cracks in internal walls,
- Laying carpet,
- Installing or replacing built-in wardrobes,
- Installing or replacing internal blinds and curtains,
- Any other work prescribed by the regulations or by-laws.

In carrying out the cosmetic work, the lot owner must ensure that:

- Any damage caused to any part of the common property is repaired, and
- The cosmetic work and any repairs are carried out in a competent and proper manner.

Cosmetic work **does not** include:

- Work that consists of minor renovations (see below)
- Work involving structural changes,
- Work that changes the external appearance of a lot, including the installation of an external access ramp,
- Work that detrimentally affects the safety of a lot or common property, including fire safety systems,
- Work involving waterproofing or the plumbing or exhaust system of a building in a strata scheme,
- Work involving reconfiguring walls,
- Work for which consent or another approval is required under any other Act, or
- Any other work that may be added to this list by regulations or by-laws.

MINOR RENOVATIONS (SECTION 110 AND REGULATION 28)

A lot owner may carry out work for the purposes of minor renovations to common property in connection with the owner's lot with the approval of the Owners Corporation. This approval is given by resolution at a general meeting. The approval may be subject to reasonable conditions imposed by the Owners Corporation. However the consent of the Owners Corporation cannot be unreasonably withheld.

"Minor renovations" include (but are not limited to) work for the purposes of the following:

- Renovating a kitchen,
- Changing recessed light fittings,
- Installing or replacing wood or other hard floors,
- Installing or replacing wiring or cabling or power or access points,
- Work involving reconfiguring walls,
- Removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- Installing a rainwater tank,
- Installing a clothesline,
- Installing a reverse cycle split system air conditioner,
- Installing double or triple glazed windows,
- Installing a heat pump, and
- Installing ceiling insulation;
- Any other work added to this list by regulations or by-laws.

These minor renovations **must not** involve:

- Structural changes,
- Changes to the external appearance of a lot, or
- Waterproofing.

Before obtaining the approval of the Owners Corporation, an owner of a lot must give written notice of proposed minor renovations to the Owners Corporation, including the following:

- Details of the work, including copies of any plans,
- Duration and times of the work,
- Details of the persons carrying out the work, including qualifications to carry out the work,
- Arrangements to manage any resulting rubbish or debris.

An application form requesting permission to undertake minor repairs is available from our office.

An owner of a lot must ensure that:

- Any damage caused to any part of the common property by the carrying out of minor renovations by or on behalf of the owner is repaired, and
- The minor renovations and any repairs are carried out in a competent and proper manner.

Minor renovations **do not** include:

- Work that consists of cosmetic work (see above),
- Work that involves structural changes,
- Work that changes the external appearance of a lot, including the installation of an external access ramp,
- Work involving waterproofing,
- Work for which consent or another approval is required under any other Act,
- Work that is authorised by a by-law or a common property rights by-law,

ALL OTHER RENOVATIONS (SECTION 111)

Any work that does not fall into the categories of cosmetic or minor renovations is governed by this section.

This refers mainly to:

- Work that involves structural changes
- Work that changes the external appearance of a lot, including the installation of external access ramps.
- Work involving waterproofing (***Most significantly this will affect bathroom and laundry renovations***)

Lot owners should be aware that rectification orders can be made against them for damage caused by work that has been carried out by owners.

If a lot owner is uncertain as to whether proposed works to be carried out are cosmetic, minor renovations or go further to involve structural changes then clarification out to be sought from the Owners Corporation or strata manager prior to the repairs or improvements being undertaken.