

NEWSLETTER ISSUE 23 JULY 2017

In this newsletter, we continue to update you on the new legislation and how it affects you. Our topic this time is renovations. But first a quick good health tip for winter – it's easier than you think.

COLDS AND MOULD

Strata managers not only associate winter with people being off sick with colds and flu, but we receive many more reports of mould. There is a reason that both are far less common in summer as they are – indirectly – related to the same cause – poor ventilation.

If you open your windows and balcony doors just as you do in summer – even for an hour a day – then the proportion of bugs in the confined space which you are breathing in, is far less. Thus, you dramatically reduce your chances of getting a cold or flu. Like-wise the exchange of “used” for fresher air also means that moisture which builds up due to the use of heaters, including air conditioning, cooking hot meals and steaming showers, allows the air and surfaces to dry out reducing the causes of mould. So, good ventilation provides two health benefits.

RENOVATIONS

One of the good things to come out of the new legislation is clarification regarding works that can be performed by owners without needing the schemes approval. The following are the new guidelines.

Works you do not need approval to undertake is covered in Section 109 - Cosmetic work by owners

- (1) 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.
- (2) **“Cosmetic work” 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,
 - (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,
 - (h) any other work prescribed by the regulations for the purposes of this subsection.
- (3) An owner of a lot must ensure that:
 - (a) any damage caused to any part of the common property by the carrying out of cosmetic work by or on behalf of the owner is repaired, and
 - (b) the cosmetic work and any repairs are carried out in a competent and proper manner.
- (4) The by-laws of a strata scheme may specify additional work that is to be cosmetic work for the purposes of this section.
- (5) This section does not apply to the following work:
 - (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,
 - (h) any other work prescribed by the regulations for the purposes of this subsection.

Then the Act sets out the work that does need to be put to a meeting of the owners – but does not require a bylaw or 75% of the owners to pass the motion.

Section 110 - Minor renovations by owners

- (1) The owner of a lot in a strata scheme 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 given by resolution at a general meeting. A special resolution authorising the work is not required.
- (2) The approval may be subject to reasonable conditions imposed by the owners corporation and cannot be unreasonably withheld by the owners corporation.
- (3) **“Minor renovations” include but are not limited to work for the purposes of the following:**
 - (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) any other work prescribed by the regulations for the purposes of this subsection.
- (4) 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:
 - (a) details of the work, including copies of any plans,
 - (b) duration and times of the work,
 - (c) details of the persons carrying out the work, including qualifications to carry out the work,
 - (d) arrangements to manage any resulting rubbish or debris.
- (5) An owner of a lot must ensure that:
 - (a) 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
 - (b) the minor renovations and any repairs are carried out in a competent and proper manner.
- (6) The by-laws of a strata scheme may provide for the following:
 - (a) additional work that is to be a minor renovation for the purposes of this section,
 - (b) permitting the owners corporation to delegate its functions under this section to the strata committee.

This section then goes on to set out those things that not only need a meeting, but a bylaw:

- (7) The above does not apply to the following work:
 - (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,
 - (g) any other work prescribed by the regulations for the purposes of this subsection.

Note: Section 132 enables rectification orders to be made against owners of lots for damage caused by work done by owners.

Further details on what are minor works is set out in section 28 Minor renovations by owners – however this assumes that these works are not performed on common property – but in your courtyard or on your balcony.

Work for the following purposes is prescribed as minor renovations for the purposes of section 110 (3) of the Act:

- (a) removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- (b) installing a rainwater tank,
- (c) installing a clothesline,
- (d) installing a reverse cycle split system air conditioner,
- (e) installing double or triple glazed windows,
- (f) installing a heat pump,
- (g) installing ceiling insulation.

Note: The work prescribed by this clause is subject to the requirements set out in section 110 (7) of the Act, including requirement that it does not involve structural changes, changes to the external appearance of a lot or waterproofing.