



Renovations and alterations to a lot under the new Strata Legislation

The Strata Schemes Management Act qualifies lot owner works as:

1. Cosmetic
2. Minor Renovations and
3. Major Works

COSMETIC WORK can be undertaken without an approval of the owners corporation. These works are listed in the Act as follows:

- ◆ 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 for the purposes of this subsection.

MINOR WORKS require approval of the owners corporation at general meeting. The Strata Committee does not have the authority to approve minor works unless they have been delegated that authority in accordance with Section 110(6)b of the Act.

Minor Works 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,
- ◆ installing ceiling insulation
- ◆ any other work prescribed by the regulations for the purposes of this subsection.

Minor works can be the subject of a by-law or just an ordinary resolution at general meeting. Other owners may be more willing to accept a lot owners proposed works if they are supported by a by-law that clearly defines the scope of works, the responsibility for the work and any damage to the common property. A by-law is a dealing and gets noted on the Certificate of Title for the common property it is a permanent record of the approval, the scope of work and who is responsible for the future repair, maintenance and replacement costs of the works.

To make application for Minor Works a lot owner must ensure they:

- ◆ provide 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.

The lot owners duties when they have an approval are to 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 works and any repairs are carried out in a competent and proper manner.

The following work is not prescribed as minor works and can only be approved by special resolution at general meeting

- ◆ work involving 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 made under this Part or a common property rights by-law.

The most important thing to note is that **waterproofing must be approved by special resolution**. That means no bathroom renovations are permitted unless an owner has approval via special resolution at general meeting.

Our recommendation is that If you're planning a renovation of a bathroom then seek approval at the earliest opportunity. General meetings are not held regularly, they can be 12 months apart and the Strata Committee are not obligated to convene a general meeting to approve your renovation. So avoid delays and get the approval for minor works at the earliest opportunity.

MAJOR WORKS are works by a lot owner that affect common property.

- ◆ Any structural changes
- ◆ Changes to the external appearance of the lot

These types of works generally will require a common property by-law. The lot owner must submit a draft by-law for adoption (may need a solicitor to provide a by-law). They must also supply a detailed plan and specification of the works including elevation plan if the work will alter the appearance of the lot, the contractor's licence and insurance details, structural engineers' advice if applicable and in addition may require planning approval from the local council.

This is a major change to the legislation and is causing a great deal of confusion and frustration for lot owners, agents and Strata Committee's.

Our recommendation to the owners corporation is to delegate responsibility for minor works approval to the Strata Committee.