

Renovation guide & application form

This guide and application form has been prepared to walk owners through the process involved in making changes to the lot, be it small works or major renovations.

Owners are encouraged to read their by-laws in detail before applying. Owners are also asked to appreciate that alterations to common property is a privilege and not a right, despite most Owners Corporations wanting every owner to maximise the enjoyment and value of their property. Owners should be patient throughout the application process as major renovations can take considerable time and resources.

WHAT IS 'THE LOT' AND WHAT IS 'COMMON PROPERTY'?

The strata plan for your strata scheme tells us what areas are allocated to which lot and it does not specifically tell us what areas are considered common property; the common property is defined as everything that is not allocated to a lot. This is important to remember when interpreting your strata plan as there are many amenities at a property that may not be specified on the strata plan at all such as visitors' car spaces, drying areas, and the like; these amenities are common property if they are not allocated within a lot.

The thick lines on your strata plan are considered common property boundaries. The walls/boundaries, and anything lying within the walls/boundaries such as windows and doors, are common property.

There are some exceptions however such as strata schemes that were registered prior to 1/7/1974 where wall dividing the unit from the balcony, along any windows and doors within this wall, are considered within the lot and is therefore the owner's responsibility. This is due to the previous definition of "boundary of a lot" changing in 1974.

The owners own 'the lot' which is primarily airspace. Owners own the airspace between the boundary walls, under the ceilings and above the floor. Anything within this airspace including dividing walls within the lot (for example, the wall between the kitchen and lounge room), floor coverings such as carpet and fixtures such as baths, toilet bowls, bench tops are all the property of the lot owner.

Courtyards, terraces and balconies are considered a part of the lot and can be thought of as simply another room in the lot however, we must understand that the walls dividing the courtyards, terraces and balconies from the internals are considered common property walls as they are indicated by a thick black line on the strata plan. Therefore, the walls dividing these two 'rooms' are not internal walls (which are owners' property) but boundary walls (which are the Owners Corporation's property) unless the scheme was registered prior to 1/7/1974.

Please note that the upper and lower limits of courtyards, terraces and balconies are dictated in the strata plan. Please refer to your strata manager to identify how far above and below your lot extends before it becomes common property.

ALTERATIONS WITHIN THE LOT

Owners may make certain alterations within the lot at their discretion where it does not affect common property. We do however note that there are a few exceptions which can be applied depending on the work involved, as such all renovation proposals should be referred to your strata manager first who can advise whether any approval is required.

- Your by-laws are likely to state that the owner or occupier of a lot must not, without the prior written approval of the Owners Corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building. This by-law strongly applies to courtyards as owners may be able to see into a courtyard from another courtyard, lot or common property. If something is installed that detracts negatively on their peace and enjoyment of their lot or the common property, they may object to the installation and the Owners Corporation will have the right to enforce it be returned to its original state. Your by-laws may also grant the Owners Corporation the ability to enforce all window hangings be the same style and colour in the interest of uniformity.
- Structural changes to the internal walls may affect the stability of the building, other common property walls or the roof. Accordingly, should owners wish to make changes to internal walls, they must obtain an engineer's certificate to state that the wall is not load bearing and can be altered without consequence.

- If the wall is proven to be load bearing, the wall can still be changed however requires the Owners Corporation's approval by way of special by-law.

Changes to the original tiling on the boundary walls or the floor require the approval of the Owners Corporation as these are considered common property. A common misconception is that these tiles are thought to be 'within the lot' therefore the owner's property however, original tiles on the boundary walls or the floor are considered to be 'the boundary' and not within the boundary.

ALTERATIONS TO COMMON PROPERTY

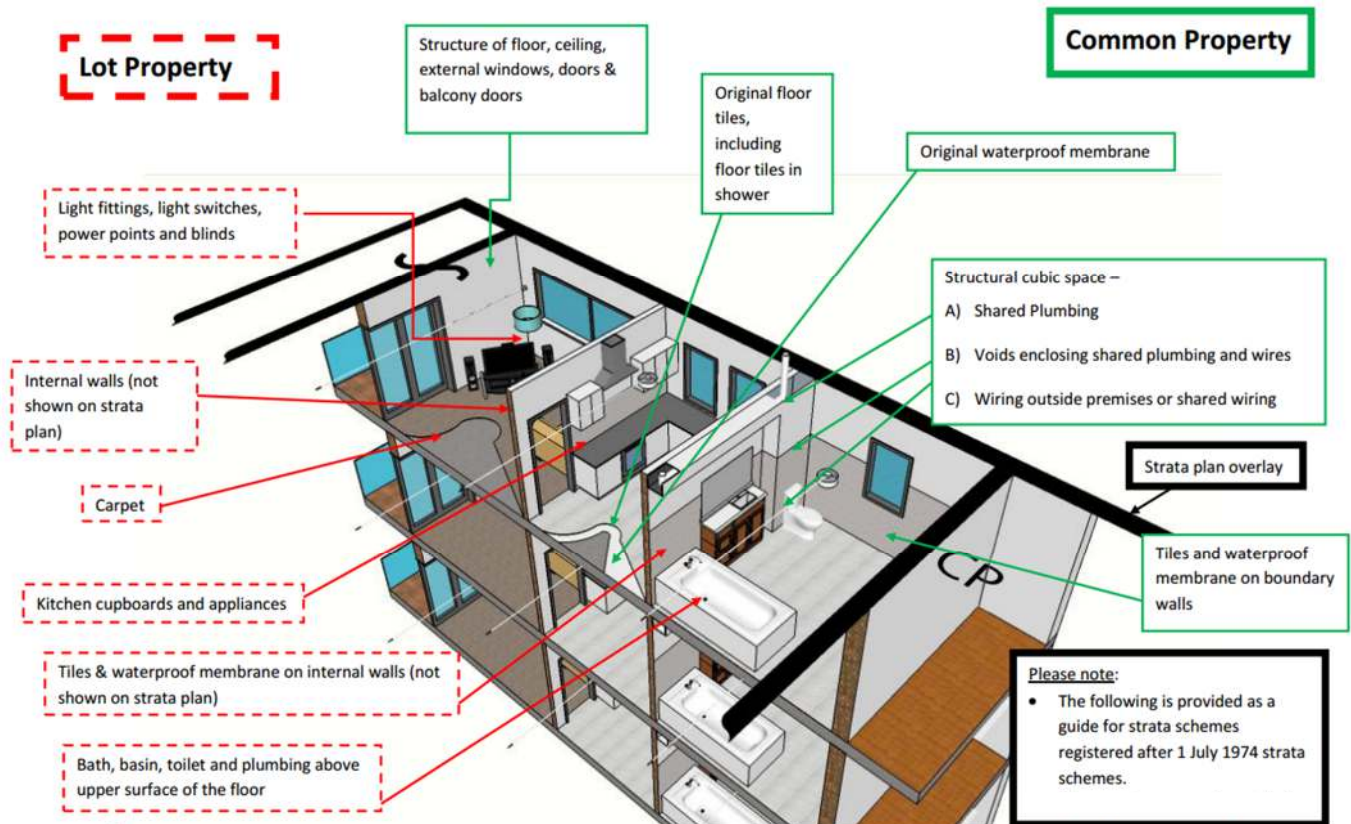
Any alterations to common property will require the prior written approval of the Owners Corporation and the method of approval varies depending on the work proposed as well as any procedures the Owners Corporation has implemented. Owners can be held responsible for damages and legal costs for any alterations to common property that were not authorised by the Owners Corporation.

Work that is not defined as being a 'minor renovation' or a 'cosmetic renovation' will require the registration of a special by-law in order to grant an owner the privilege to attach to or alter a structure of the common property.

The registration of a special by-law will also mitigate the Owners Corporation from any loss or liability as a result of the renovations. This is particularly important when things are attached to walls that may compromise the structural integrity of the building as the Owners Corporation should have legal recourse for the lot owner to take responsibility should a problem arise.

Privileges granted by way of special by-laws are passed on in change of ownership and any ensuing owners take on that responsibility, reinforcing the Owners Corporation's ability to mitigate liability. This often works to applicants' advantage as the Owners Corporation has less reason to deny renovation work.

ALL RENOVATIONS, BIG AND SMALL, SHOULD BE REFERRED TO YOUR STRATA MANAGER FIRST!



Disclaimer: The content of this guide 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. Conti Strata disclaims any liability for negligence or otherwise in any way connected with this guide. Image courtesy of Bannerman's Lawyers.

Part 1 – Application

Owner Details:

Strata Plan:

Unit number & Address:

Name:

Phone:

Email:

Renovation Details:

Detail of work proposed to be carried out in each room (provide annexure if more room is required):

Proposed commencement date (approximate):

Expected duration of works

Proposed method of removing trade waste & debris:

Proposed method of delivering materials:

Proposed method of contractor parking:

Checklist:

I have attached:

- Sketches/diagrams depicting the layout prior to renovating
- Sketches/diagrams depicting the layout on completion of the renovation
- Brochures/specifications detailing appearance and quality of materials (eg, flooring insulation)

I understand that it is my responsibility to:

- Engage suitably qualified, licensed and insured contractors
- Notify the Strata Committee of any changes to the proposed contractor and work times
- Circulate notices to my neighbours informing them of the work times, rubbish, delivery & parking arrangements
- Ensure the contractor protects the common areas, particularly hallways and lifts for the duration of the work
- Ensure the contractor cleans all common areas daily
- If requested, provide the Strata Committee with access to inspect before and after the renovations
- Where relevant, obtain consent from any government or other authority for the renovations

This form was completed by:

Name:

Signature:

Date:

Part 2 – Approval process

EXAMPLES OF COSMETIC WORK

The following work will generally not require approval:

- 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

The following is not cosmetic work:

- work categorised as ‘minor renovations’
- work involving structural changes
- work that changes the external appearance of a lot
- work that detrimentally affects the safety of a lot or common property, including fire safety systems
- work involving waterproofing
- work involving plumbing
- work involving exhaust system
- work involving reconfiguring walls

EXAMPLES OF OTHER RENOVATIONS

The following work will generally require a special resolution at a general meeting of all owners and the drafting of a special by-law:

- work involving waterproofing
- work involving structural changes
- work involving reconfiguring load bearing walls
- work that changes the external appearance of a lot
- work that requires the permanent occupation of common property airspace
- work that is not categorised as ‘cosmetic work’ or ‘minor renovations’

EXAMPLES OF MINOR RENOVATIONS

The following work will generally require a resolution at a general meeting of all owners:

- renovating a kitchen
- changing recessed light fittings
- installing or replacing wood or other hard floors
- installing or replacing wiring, cabling or power points
- work involving reconfiguring non-load bearing 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

The following is not a minor renovation:

- work categorised as ‘cosmetic work’
- work involving structural changes
- work that changes the external appearance of a lot
- work involving waterproofing
- work that must be authorised by a by-law

IMPORTANT NOTES

From time to time, the Owners Corporation may pass a special by-law that can place certain types of renovations into either the ‘cosmetic work’ or ‘minor renovations’ categories.

It is important that owners read and understand all by-laws registered for their scheme.

Estimated approval costs:

COSMETIC RENOVATIONS

- No approval required No cost

MINOR RENOVATIONS

With a pre-existing by-law delegating the decision to Strata Committee:

- Await next Strata Committee Meeting or Annual General Meeting No cost
- Strata Committee Meeting to be convened in person To be quoted
- Strata Committee Meeting to be convened by paper vote (excluding large schemes) \$99.00

Without a pre-existing by-law delegating the decision to Strata Committee:

- Await next Annual General Meeting No cost
- Extraordinary General Meeting to be convened in person To be quoted
- Extraordinary General Meeting to be convened by paper vote To be quoted

MAJOR/OTHER RENOVATIONS:

Drafting & registration of by-law:

- Drafting by a solicitor (estimated) \$620.00 - \$680.00
- Registration by a solicitor (estimated) \$450.00 - \$550.00
- Drafting and registration by Conti Strata (estimated, may not always be available) \$440.00 - \$550.00
- Registration by Conti Strata \$356.30

Convening of meeting to consider drafted by-law:

- Await next Annual General Meeting No cost
- Extraordinary General Meeting to be convened in person To be quoted
- Extraordinary General Meeting to be convened by paper vote To be quoted

Part 3 – Commencement of work

After approval is granted, you must:

1. Read and understand the provisions of the scheme's by-laws, particularly any by-laws specifically relating to renovations.
2. Read and understand all instructions/conditions for approval provided by the Strata Committee/Owners Corporation which will be detailed in the minutes or letter of approval.
3. Where necessary, obtain consent from any government or other authority for the renovations
4. Instruct your contractors to protect the common areas, particularly lifts, hallways and stairs for the duration of the work including the placement of drop sheets, mats and the like.
5. Instruct your contractors to clean all common areas daily.
6. Instruct your contractors to cooperate with approved working times which are typically:

| | |
|--------------------------|---|
| Monday to Friday | 7.00am to 5.00pm |
| Saturday | 8.00am to 4.00pm (no noisy work permitted on Saturday, eg demolition) |
| Sunday & public holidays | No work permitted |
7. Circulate notices to neighbours informing them of the arrangements you have made with your contractor with a copy on the noticeboards:
 - a. The work commencement and anticipated completion
 - b. The days that noisy work will occur (eg, demolition)
 - c. Daily work times
 - d. Rubbish, delivery & parking arrangements
 - e. Contact number for issues

You may commence your renovations from this point.

Part 4 – Completion

After completion of your renovations, you must:

1. Advise our office of completion.
2. Ensure the common areas are free of any damage and debris as a result of the renovations.
3. Submit any waterproofing and engineering certificates to our office.

Renovation complete!