

Renovation guide and 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

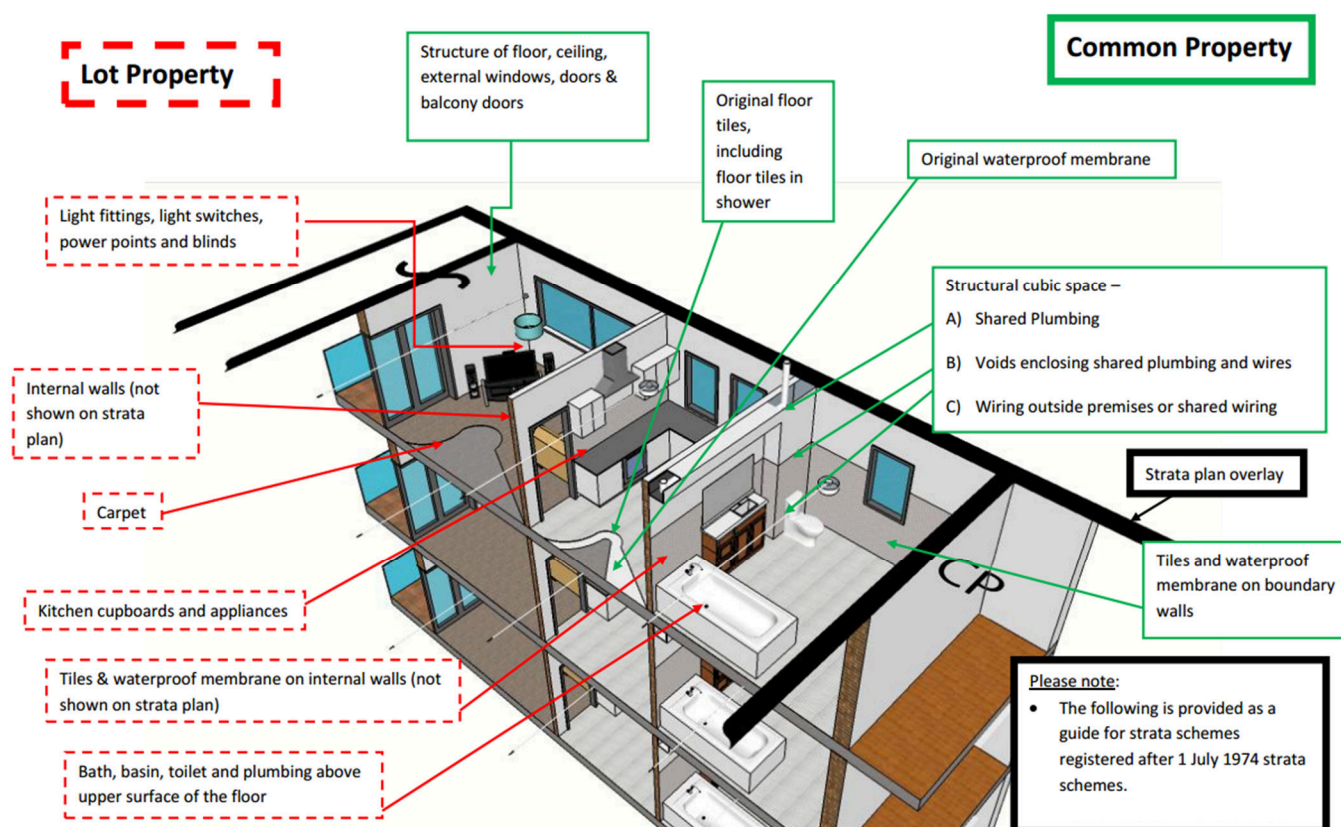
Any alterations to common property will require the prior written approval of the Owners Corporation and the method of approval varies depending on the work proposed as well as any procedures the Owners Corporation has implemented. Owners can be held responsible for damages and legal costs for any alterations 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.

Renovation categories

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.

Potential application 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 the Owners Corporation's nominated solicitor (estimated) \$660.00 - \$720.00
- Registration by the Owners Corporation's nominated solicitor (estimated) \$700.00 - \$800.00
- Drafting and registration by Conti Strata (estimated, may not always be available) \$750.00
- Registration by Conti Strata \$660.00

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

Application requirements

The following application form has been designed to assist owners in providing a concise application with the required documentation to enable consideration by the Owners Corporation.

Providing all details will avoid unnecessary delays in processing your application.

Applications should;

- Have all relevant fields completed in Part 1 of the application
- Have all acknowledgments ticked in Part 1 of the application
- Be in PDF Format
- Must not include links to source material

Applicants are responsible to download/print relevant pages for source material.

- Must not be write protected or have any other printing restrictions

Note, our application form is write-protected to avoid copyright infringement; it is our expectation that applicants will print, sign and return Part 1.

- Must not be greater than 10mb

Photos may need to be scaled accordingly. Please consider attachment size as the application and annexures may need to be circulated in a meeting notice.

- Must be concise and only contain annexures that are relevant to the application and demonstrate the exact model/equipment proposed

Remove any pages and/or redact parts of a brochure that are irrelevant.

Please be considerate that members of your Strata Committee and/or Owners Corporation are not experts and hold voluntary roles. Presenting a clear and concise application will not only avoid misunderstandings, but will demonstrate your judicious approach to renovations.

On completion of Part 1, please return the application to your strata manager to undertake the preliminary review under Part 2.

Part 1 – Application

1.1. Owner Details:

Strata Plan:

Name:

Email:

Unit number & Address:

Phone:

1.2. Renovation Details:

This application involves the following:

Cosmetic works:

- ☐ installing or replacing fixings on walls (eg, hooks)
- ☐ 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

Major renovation works:

- ☐ work involving waterproofing
- ☐ work involving structural changes
- ☐ work involving reconfiguring load bearing walls
- ☐ work that changes the external appearance of a lot
- ☐ work requiring occupation of common property
- ☐ ducted air-conditioning systems

Other works:

- ☐ Other works not categorised (detailed below)

Minor renovation works:

- ☐ renovating a kitchen
- ☐ changing recessed light fittings
- ☐ Installing/replacing wood or other hard floors
- ☐ Installing/replacing wiring, cabling or power points
- ☐ work involving reconfiguring non-load bearing walls
- ☐ removing soft floor coverings to expose 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

Proposed commencement date (approximate, subject to approval timeline):

Expected duration of works

Proposed method of removing trade waste & debris:

Proposed method of delivering materials:

Proposed method of contractor parking:

Details of the persons carrying out the work, including qualifications to carry out the work:

Please note the following general recommendations:

- Changing from carpet to floorboards is a common cause for noise complaints so we recommend you take the following precautions
- Talk to your neighbours; inform them of your intentions and advise them that you are taking necessary steps to reduce noise transmission.
- Install the best underlay possible and retain evidence of the underlay; this is critical in reducing noise for the units below and next door. Be mindful that compliance certificates and product data sheets provide ratings in the tested environment which may not comply with the actual environment (eg, older buildings may have a thinner slab underneath).
- Ensure furniture in the unit (whether yours or your tenant's) have felt caps under the feet to reduce noise when they are moved, particularly chairs.
- Place runners or rugs in high traffic areas in the unit or in areas that children play.
- Add cover under your landlords/contents insurance policy as the strata insurer may not provide cover any insurable damage (eg, water/fire).

Annexures required for hard flooring works applications:

- Data sheet or information about the proposed floor covering
- Data sheet or information about the proposed acoustic treatment

Please describe which rooms will be affected, what the current covering is and what the proposed covering is:
eg, "Bedroom 1 and loungeroom from carpet to floorboards and kitchen from linoleum to tile"

Other information relating to any hard flooring works

Please note the following general recommendations:

- When proposing a model, we will require the specifications of that model only.
- Please check existing by-laws to determine if limitations are in place for decibel levels
- Please check existing by-laws to determine if limitations are in place for condenser locations

Annexures required for air-conditioning works applications:

- Diagrams or photos depicting the location of the external condenser and any pipework
- Model specifications indicating the operating decibel levels (redact unnecessary pages/models)

Type of system (*eg, split, window mounted, ducted*):

Colour of external condenser and conduit:

Details on how the unit will be mounted and where it will be located:

Details on how condensation will be drained from the external condenser:

Other information relating to any air-conditioning works

An engineering certificate will always be expected to be attached to your application to:

- Confirm the wall is non-load bearing and therefore the works will not affect structural integrity, or
- Confirm the wall is load bearing and therefore provide engineering specifications as to how the additional supports will be installed.

Annexures required for wall alteration works applications:

- An engineers certificate indicating whether the wall is load-bearing or non-load-bearing
- Non-load bearing walls: Before and after plans indicating the wall alterations
- Load bearing walls: Before and after plans indicating the wall alterations prepared by an engineer incorporating information on how the building structure will be supported.

Please describe which walls will be affected and describe the work proposed

Please note the following general recommendations:

- Whilst waterproofing will cause a renovation to be deemed “major”, Conti Strata does not support tiling over existing tiles without waterproofing as a suitable method to minimise approval process.
- Tiling over the existing tiles will simply result in additional costs for the Owners Corporation and lot owner (you or any future owner of your lot) should the pre-existing waterproofing fail as two layers of tiles need to be jackhammered and create inconsistencies where floor levels meet. This may discourage the Owners Corporation from approving your application.

Annexures required for wet area works applications:

- Before and after plans indicating the wet area alterations

Please describe which rooms will be affected, and the extent of the works proposed

eg, "Strip bathroom fixtures, remove tiles, waterproof, reinstate tiles, replace all fixtures"

eg, "Remove laundry cupboard and tiles, relocate water and electrical supply lines, waterproof and tile, install new cupboard in different location"

When nominating a floor area, it is presumed the upturns of the waterproofing will apply to the lower section of the adjoining walls

Please provide the proposed waterproofer's license number

This is requested to assist with any potential future defects if you sell the property. You should first check the license number on Fair Trading website <https://verify.licence.nsw.gov.au/home/Trades>

Annexures required for other works applications:

- Before and after plans indicating the other alterations
- Data sheets or specifications relevant to other alterations

Detail of work proposed to be carried out in each room

Exclude information already supplied in earlier sections for hard flooring, air-conditioning, wall alteration and wet area works. Include information on any other proposed works.

1.8. Checklist:

I have attached:

- ☐ Hard flooring works - Data sheet or information about the proposed floor covering (redact unnecessary pages)
- ☐ Hard flooring works - Data sheet or information about the proposed acoustic treatment (redact unnecessary pages)
- ☐ Air-conditioning works - Diagrams depicting the location of the external condenser and any pipework
- ☐ Air-conditioning works - Model specifications indicating operating decibel levels (redact unnecessary pages)
- ☐ Wall alteration works - An engineers certificate indicating whether the wall is load-bearing or non-load bearing
- ☐ Wall alteration works: Sketches/diagrams depicting the layout before and after the renovation (if load bearing, the plans must be prepared by an engineer incorporating information on how the building structure will be supported)
- ☐ Wet area & other works - Sketches/diagrams depicting the layout before and after the renovation
- ☐ Other works - Brochures/specifications detailing appearance and quality of materials

I understand that it is my responsibility to:

- ☐ Read and understand the scheme's by-laws, particularly any by-laws specifically relating to renovations
- ☐ Engage suitably qualified, licensed and insured contractors
- ☐ Notify the Strata Committee of any changes to the proposed contractor and work times
- ☐ Ensure the contractor protects the common areas, particularly hallways for the duration of the work
- ☐ Lay protective coverings on the carpet each day and clean up all common property each day
- ☐ Advise my contractors that they can park in the visitor parking but do not have exclusive use of it
- ☐ Ensure contractors adhere to the acceptable hours of work (as required by the strata committee, in by-laws or in council regulations) which are typically:
 - Monday to Friday 7.00am to 5.00pm
 - Saturday 8.00am to 4.00pm (no noisy work permitted on Saturday)
 - Sunday & public holidays No work permitted
- ☐ Circulate notices to neighbours informing them of the arrangements you have made with your contractor with a copy on the noticeboards:
 - The work commencement and anticipated completion
 - The days that noisy work will occur (eg, demolition)
 - Daily work times
 - Rubbish, delivery & parking arrangements
 - Contact number for issues
- ☐ 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 (eg, council)
- ☐ Pay any associated meeting and by-law costs necessary under legislated renovation approval requirements
- ☐ Some schemes pursuant to by-laws - Pay a bond if requested by the Strata Committee / Owners Corporation
- ☐ Ensure this application meets all criteria, without which the application is not deemed complete

1.9. This form was completed by:

Name:

Signature:

Date:

On completion of Part 1, return this form to the strata manager to complete Part 2.

2.1. Checklist:

Office use only

- ☐ Relevant application fields checked
- ☐ By-laws checked
- ☐ Applicant's authority checked
- ☐ Strata Committee's authority checked

Renovation level:

- ☐ Cosmetic – Doesn't involve minor or major renovations and doesn't require approval
- ☐ Minor - Doesn't involve major renovations but requires approval
- ☐ Major – Renovations require special resolution and by-law registration
- ☐ Consent for any relevant meeting or by-law costs obtained

2.1. Review:

Office use only

Application is considered:

- ☐ Complete and ready for submission
- ☐ Incomplete and requires revision

If incomplete, provide feedback why:

- ☐ Application only seeks to undertake work classified as cosmetic, approval not required
- ☐ Application is write protected, applicant to release file protection
- ☐ Application is greater than 10MB, applicant to reduce file size to ensure it can be placed within an agenda
- ☐ Links to source material have been provided instead of PDF copies of relevant pages

Comments:

- ☐ Application is not concise and/or contains annexures that are irrelevant to the application, applicant to revise

Comments:

- ☐ Further annexures required

Comments:

2.2. Further comments/advice for applicant:

Office use only

2.3. Approval pathway(s) and applicable costs:*Office use only*Cosmetic Renovations

☐ No approval required \$NIL

Minor Renovations

☐ Await the next Strata Committee Meeting \$NIL Next meeting: _____

☐ Await the next Annual General Meeting \$NIL Next meeting: _____

☐ Strata Committee Meeting to be convened in person \$

☐ Strata Committee Meeting to be convened by paper vote \$

☐ Await next Annual General Meeting \$NIL Next meeting: _____

☐ Extraordinary General Meeting to be convened in person \$

☐ Extraordinary General Meeting to be convened by paper vote \$

Major Renovations – Part A: By-law

☐ Drafting by the Owners Corporation's nominated solicitor \$ (estimated)

☐ Registration by the Owners Corporation's nominated solicitor \$ (estimated)

☐ Drafting and registration by Conti Strata \$

☐ Registration by Conti Strata \$

Major Renovations – Part B: Meeting

☐ Await next Annual General Meeting \$NIL Next meeting: _____

☐ Extraordinary General Meeting to be convened in person \$

☐ Extraordinary General Meeting to be convened by paper vote \$

Note: Major Renovations will involve costs for both Part A: By-law and Part B: Meeting

On completion of Part 2, your strata manager will return this form to you to complete Part 3.

Part 3 – Submission for approval

If your application has been reviewed as incomplete:

- Please consider the feedback offered in Part 2.1 and Part 2.2
- Please resubmit your application to ensure it is complete
- Your resubmitted application will again go through the preliminary review process in Part 2

Once your application has been reviewed as complete:

- Please consider the feedback offered in Part 2.1 and Part 2.2
- Please consider the approval pathway and applicable costs in Part 2.3
- **Please write to your strata manager nominating an approval pathway and your consent to quoted costs**
- Your strata manager will then submit your application to the Strata Committee and/or Owners Corporation and will progress it for consideration.

On completion of Part 3, your strata manager will progress the approval process and will return to you with the result.

Part 4 – Commencement of work

Once approval is granted, you must:

- Read and understand the provisions of the scheme's by-laws, particularly any by-laws specifically relating to renovations.
- 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.
- Where necessary, obtain consent from any government or other authority for the renovations
- Contact your strata manager to confirm if the building has an asbestos register and where it is located onsite. Please note: If the building has an asbestos register, it must be referred to prior to carrying out any works.
- 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.
- Instruct your contractors to clean all common areas daily.
- 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
- Circulate notices to neighbours informing them of the arrangements you have made with your contractor with a copy on the noticeboards:
 - The work commencement and anticipated completion
 - The days that noisy work will occur (eg, demolition)
 - Daily work times
 - Rubbish, delivery & parking arrangements
 - Contact number for issues

You may commence your renovations from this point.

Part 5 – Completion

After completion of your renovations, you must:

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

Renovation complete!