



Request to renovate introduction

The following guide is to both assist and protect renovators as they navigate the Strata approval process. Undertaking thorough due diligence through experienced renovators, trades, council and Fair trading as well as submitting your request with as much detail as possible will assist your Strata Committee in providing a quick and decisive response.

Please review the following guide and complete the attached request form. Note that the guide is general in nature and the Strata Committee may require additional information.

No approval is required if:

- The renovation is cosmetic in nature which includes items such as painting (internal), carpet, picture hooks and curtains, and;
- Does not affect common property.

Items NOT considered cosmetic in nature include:

- Hard flooring.
- Painting balcony walls that can be seen from the street.

If in doubt, review your site plans, by-laws or speak to Prior Strata for assistance.

Approval is required where the renovation encompasses:

- A kitchen,
- Recessed light fittings,
- Installation of or replacing:
 - wood or other hard flooring,
 - wiring, cabling or power or access points,
 - plumbing items for water, gas or sewerage.
- Painting balcony walls that can be seen from the street,
- Reconfiguring walls,
- Structural changes,
- Any work affecting Common Property,
- Any other work prescribed by other strata regulations.

If in doubt, speak to Prior Strata for assistance.

The Strata Schemes Management Act 2015 provides additional information on the above, an exert of which can be found at Annexure A. More information can be found on the Fair Trading website, by calling Fair Trading or speaking to your local council.

The renovation approval request form can be found on the following pages. If you cannot answer all questions at this point, please complete to the best of your ability to provide the Strata Committee with an early notification of intent so that initial feedback can be provided to assist with your renovation planning.



Request to renovate

form page 1 of 5

1 Applicant details

Application must be made by the registered lot owner, registered company nominee or Power of Attorney authorised to act on behalf of the registered lot owner ("Applicant").

Name of Applicant:

Address of property:

Unit:

Applicant email address:

Applicant phone numbers: for best contact

Mobile:

Work:

Home:

2 Renovation details

Date and times renovation will take place:

Do you require access to onsite trades facilities (storage/bathroom): Yes No N/A

Will the completed renovation be signed off by an independent/council certifier:
 Yes No

Who will be carrying out the renovations:

Owner(s):

Owner(s) friends/family:

Qualified trades:

Drawings/sketches of the renovation are attached: Yes No N/A

Are you using a project manager: Yes No N/A

Contact details of all trades and project manager are attached: Yes No N/A

Where work is being carried about by qualified trades, confirm the following items are attached:

- Qualifications including any licences: Yes No N/A
- Service NSW search results confirming trade licences are current and there are no restrictions: Yes No N/A
- Insurance Certificates of Currency: Yes No N/A
- Map showing where waste or skip bins will be located: Yes No N/A
- Safety analysis undertaken: Yes No N/A
- Map showing safety stations: Yes No N/A
- Confirmation the works will not impact asbestos: Yes No N/A

2 Renovation details *continued*

Please confirm how the safety and wellbeing of other residents will be managed:

3 Government approval and guidance

Council

- Council confirmation is attached stating no special approvals are required: Yes No N/A
- If council confirmation is not provided, Council ruling or other document is attached confirming no special approval is required: Yes No N/A
- If special council approval is required, the approval is attached: Yes No N/A

Fair Trading

I have reviewed the Fair Trading website and/or sought advice over the phone from Fair Trading in relation to the following matters:

- Strata and community living: Yes No
- Building and renovating: Yes No
- Trades and businesses: Yes No
- Buying services: Yes No
- Are you aware Fair Trading provide standardised contracts for works that provides protections to consumers: Yes No

Dial Before You Dig

- Application has been made to Dial Before You Dig: Yes No N/A
- Service report is attached: Yes No N/A
- An accredited contractor has mitigated any risk to essential services: Yes No N/A

4 Checklist

Select which items will be impacted by the renovation and clarify with commentary adjacent to each check box (e.g. replacing hard wood flooring with new hard wood flooring). ***If in doubt, speak to Prior Strata for assistance.***

- Internal walls, floor, ceiling: _____
- Boundary walls, floor, ceiling: _____
- Within wall cavities: _____
- Under flooring: _____
- Within attic (*top floor units*): _____
- Within ceiling void: _____

Continue over

4 Checklist *continued*

- Windows / window frames: _____
- Window safety devices: _____
- Doors: _____
- Door locks: _____
- Intercom / door bell: _____
- Balcony areas: _____
- Fans/vents: _____
- Air conditioning units: _____
- Kitchen area: _____
- Kitchen cabinetry: _____
- Tiles: _____
- Hard flooring: _____
- Recessed light fittings: _____
- Light switches/power points: _____
- TV connections: _____
- Electrical wiring: _____
- Electrical switchboards: _____
- Water / gas meters: _____
- Hot water systems: _____
- Plumbing network (*liquids in/out*): _____
- Gas pipes: _____
- Drainage points: _____
- General bathroom area: _____
- Toilet: _____
- Bath: _____
- Shower recess: _____
- Water proofing
(*kitchen/laundry/bathroom/balcony*): _____

Continue over

4 Checklist *continued*

- Balcony area including railings: _____
- Eaves: _____
- Awnings: _____
- Roof skylight: _____
- Common property garden areas: _____
- Common property grassed/
surfaced areas: _____
- Pavers / decking: _____
- Garage door (*including opener*): _____
- Smoke detectors: _____

Applicant comments:

5 Applicant agreement

The Applicant confirms the following:

- 1 *The information provided as part of this request is true and accurate to the best of my knowledge. The applicant unconditionally accepts full liability for loss or injury as a result of any misinformation provided by contractors, other professional services, Fair Trading or government authorities that makes part of this request.*
- 2 *Fair Trading has been consulted in relation to the renovations.*
- 3 *Sections 86, 108, 109, 110, 111 and 132 have been read and understood. I am also aware that I am bound by other legislative or common law requirements that the Strata Managing Agent or Strata Committee may not have presented to me or discussed with me during the approval process.*
- 4 *Site plans have been read and understood and I understand what constitutes Common Property.*
- 5 *I hold a copy of the by-laws and they are understood.*
- 6 *The Strata Committee may pause or halt works where by-laws have been breached, work outside agreed dates/times are continuing or concern over safety has been raised. Any costs arising are solely at the liability of the Applicant.*
- 7 *Applicant has discussed the renovation with their direct neighbours above, below and each side of the lot and any other lots in the scheme or neighbours that may be impacted.*
- 8 *Notices will be placed clearly throughout the building stating the duration of the works, safety considerations for residents, contact details of the Applicant, contact details of project manager/trades and any other information determined as part of the approval process.*
- 9 *Additional terms and conditions may be required as part of the final approval process.*
- 10 *Any costs incurred by the Owners Corporation, including Strata Manager costs, may be passed on to the Applicant. I understand these costs will be communicated to me clearly as part of the final approval.*
- 11 *Shift workers within the complex, where known, are to be consulted prior to any heavy machinery works. Non-consultation may result in the Strata Committee pausing works until a resolution on recommencement can be made, with all parties acting reasonably.*
- 12 *Any other terms and conditions that the Owners' Corporation may impose from time to time.*

I, being the legally authorised Applicant have read and agree to the conditions stated above.

Applicant signature:

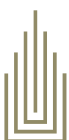
Applicant name:

Date:

Witness signature:

Witness name:

Date:





Request to renovate: Annexure A

Strata Schemes Management Act 2015

108 Changes to common property

1. Procedure for authorising changes to common property: an owners corporation or an owner of a lot in a strata scheme may add to the common property, alter the common property or erect a new structure on common property for the purpose of improving or enhancing the common property.
2. Any such action may be taken by the owners corporation or owner only if a special resolution has first been passed by the owners corporation that specifically authorises the taking of the particular action proposed.
3. Ongoing maintenance A special resolution under this section that authorises action to be taken in relation to the common property by an owner of a lot may specify whether the ongoing maintenance of the common property once the action has been taken is the responsibility of the owners corporation or the owner.
4. If a special resolution under this section does not specify who has the ongoing maintenance of the common property concerned, the owners corporation has the responsibility for the ongoing maintenance.
5. A special resolution under this section that allows an owner of a lot to take action in relation to certain common property and provides that the ongoing maintenance of that common property after the action is taken is the responsibility of the owner has no effect unless:
 - a. the owners corporation obtains the written consent of the owner to the making of a by-law to provide for the maintenance of the common property by the owner, and
 - b. the owners corporation makes the by-law.
6. The by-law:
 - a. may require, for the maintenance of the common property, the payment of money by the owner at specified times or as determined by the owners corporation, and
 - b. must not be amended or repealed unless the owners corporation has obtained the written consent of the owner concerned.
7. Sections 143 (2), 144 (2) and (3) and 145 apply to a by-law made for the purposes of this section in the same way as they apply to a common property rights by-law.

Note: A new by-law or other changes to the by-laws for a strata scheme must be approved by a special resolution of the owners corporation (see section 141).

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.
6. Section 108 does not apply to cosmetic work carried out in accordance with this 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.
7. This section 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.
8. Section 108 does not apply to minor renovations carried out in accordance with this section.

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

111 Work by owners of lots affecting common property

An owner of a lot in a strata scheme must not carry out work on the common property unless the owner is authorised to do so:

- a. under this Part, or
- b. under a by-law made under this Part or a common property rights by-law, or
- c. by an approval of the owners corporation given by special resolution or in any other manner authorised by the by-laws.

132 Rectification where work done by owner

1. The Tribunal may, on application by an owners corporation for a strata scheme, make either of the following orders if the Tribunal is satisfied that work carried out by or for an owner or occupier on any part of the parcel of the scheme has caused damage to common property or another lot:
 - a. an order that the owner or occupier performs the work or takes other steps as specified in the order to repair the damage,
 - b. an order that the owner or occupier pay to the owners corporation or the owner of the lot a specified amount for the cost of repairs of the damage and any associated costs, including insurance and legal costs.
2. An amount payable by an owner or occupier to an owners corporation under this section is payable, and may be recovered, under this Act as if it were an amount of unpaid contributions.

Note: Section 86 provides for the recovery of unpaid contributions.

86 Recovery of unpaid contributions and interest

1. The Tribunal may order the owner of a lot in the strata scheme, or other person, to pay a contribution that is payable by the owner or other person under this Act that is not paid at the end of 1 month after it becomes due and payable, together with any interest payable on that unpaid contribution and the reasonable expenses of the owners corporation incurred in recovering those amounts.
2. The Tribunal may make an order under subsection (1) only:
 - a. on the application of the owners corporation, and
 - b. if proceedings between the owners corporation and the owner of a lot in the strata scheme or other person are pending before the Tribunal.
- 2A. An owners corporation may, without obtaining an order under this section, recover as a debt in a court of competent jurisdiction, a contribution not paid at the end of 1 month after it becomes due and payable, together with any interest payable on that unpaid contribution and the reasonable expenses of the owners corporation incurred in recovering those amounts.

Note: Clause 6 of Schedule 4 to the Civil and Administrative Tribunal Act 2013 provides for the transfer of proceedings between the Tribunal and a court which has jurisdiction (and vice versa) if the parties to the proceedings agree or if the Tribunal or court of its own motion or on the application of a party so directs.

3. Interest paid or recovered forms part of the fund to which the relevant contribution belongs.
4. An owners corporation must not take action to recover an amount under this section unless it has given the person against whom the action is to be taken at least 21 days notice of the action.
5. The notice of the action must set out the following:
 - a. the amount of the contribution, interest or expenses sought to be recovered,
 - b. the recovery action proposed,
 - c. any other matter prescribed by the regulations for the purposes of this subsection.