

# Building work and renovation request

## Lot owner application form

This form has been designed to assist you in navigating the application and approval process when seeking authority to undertake renovations or additions to your lot. This might include the installation of solar panels, electric vehicle (EV) chargers, or air conditioners on common property.

Your committee will review the application and all associated plans, diagrams, specifications, etc., including the checklist provided. Please submit the completed form to the strata committee and copy our office, providing adequate information to help ensure the assessment process is completed as efficiently and accurately as possible.

### This form covers:

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### Please note:

The information provided in the form is general in nature and is intended to help you understand the principles for processing applications for building or renovation works in a strata property. Each scheme's approval process will vary slightly. Please always refer to your plan's by-laws, rules or other governance documents in conjunction with the information provided in this form.

# 1. What is common property vs your lot?

## The lot

Lot owners effectively own the airspace inside the lot's boundary walls, floor and ceiling. This may sometimes include balconies and courtyards.

In most strata schemes, the lot owner is responsible for the costs associated with maintenance, repairs, and renovations inside their unit, but not the main structure of the building (known as common property). This generally includes:

- All fixtures and fittings inside the lot, such as baths, toilet bowls and bench tops.
- The internal walls within the lot (e.g. the wall between the kitchen and lounge room)
- Floor coverings such as carpet and tiles.
- Utility infrastructure (like equipment, pipes and wiring) within the lot's boundaries.
- Exclusive-use areas that the owner benefits from (unless the special building rule says otherwise).

However, it's important to note that defining private property versus shared areas can vary for each property depending on the scheme's specific by-laws or strata plan.

## Common property (within a lot)

Common property can be defined as:

- The upper surface of the floor (but not including the carpet).
- The undersurface of the ceiling.
- All external or boundary walls (including doors and windows).

Common property can include such things as:

- Pipes located in the common property (including in perimeter walls of a lot or another structural defined space or servicing more than one lot).
- Electrical wiring in the common property (including in perimeter walls of a lot and another structural defined space or servicing more than one lot).
- Originally installed parquet floors, ceramic tiles, floorboards, vermiculite ceilings, plaster ceilings and cornices.
- Magnesite finishes on the floor.
- Most balcony doors are usually common property if the strata plan was registered after 1974.
- Either the slab dividing two stories of the same lot, one story from an open space roof area or garden areas of a lot (e.g. A townhouse or villa) is usually common property if the strata plan was registered after 1 July 1974 unless the registered strata plan says it is not.

The registered strata plan defines the boundaries between common property and lots in a strata scheme. If you wish to clarify any common property areas for your strata scheme, please contact our office for further information.

## 2. When is approval required for lot owner building work and renovations?

The approval requirements and process will vary depending on the nature of the proposed works and your scheme's existing by-law terms and requirements.

Your strata manager will be able to guide you as to the relevant approval threshold and procedural requirements based on the scope of work and other details provided in this application form. However, the information below provides general guidelines around the differing categories of renovations in strata schemes. When planning to renovate your property within a strata scheme, it's important to determine the category of your renovation and whether you need to seek the owners corporation's approval.

Renovations can be classified into three categories, each with a different approval process.

1. Cosmetic works – no approval required.
2. Minor renovations - owners corporation approval required.
3. Major renovations - general meeting approval by special resolution and by-laws required.

**Note:** Before you start any work, please refer to your by-laws as there may be specific conditions determining the type of building work that is included in the renovation categories below.

### 2a. Cosmetic renovations – no approval required

Cosmetic renovations are superficial, with changes to the look and feel of your property, such as painting, attaching shelves, or installing handrails to the interior walls of your unit. You do not need approval from a committee or owner's corporation to carry out this work.

While making cosmetic renovations within your property, please keep in mind that you are responsible for any damage to common property as a result of the renovations.

### 2b. Minor renovations – owners corporation approval required

If you're planning minor renovations, you'll need approval by ordinary resolution from the owners corporation (or strata committee if permitted under your scheme's by-laws). This may include renovating a kitchen, changing recessed light fittings, installing hardwood floors, removing carpet to expose hardwood floors, installing air conditioning, or replacing or changing common property infrastructure such as wiring, cabling, power, or access points.

The owners corporation or strata committee may impose reasonable conditions if they approve the works. For instance they may ask you to maintain a good state of repair for any common property connected to the renovations.

Note: there may be specific conditions in your scheme's by-laws relating to minor renovations, so before you start any work, refer to your by-laws. **The law prescribes that minor works do not include:**

- Cosmetic works.
- Structural changes to the property.
- Changes to the appearance of a lot, including an external ramp.
- Works affecting the safety of a lot, including fire safety systems.
- Waterproofing, plumbing, or exhaust system of a building.
- Works requiring consent or approval under any other legislation (such as council approval or consent under the Environmental Planning And Assessment Act 1979)
- Work that is authorised by a special by-law or a common property right by-law.

## 2c. Major renovations – special resolution approval required from a general meeting and by-law consideration

Major renovations could impact the structure and framework of both your lot and the common property, therefore, require a more stringent approval process.

The strata committee cannot approve major renovations on behalf of the owners corporation. Instead, the works need approval and often a specific by-law by special resolution at a general meeting of all owners before renovations can start.

### Major renovations include:

- Structural changes.
- Waterproofing.
- Fire safety.
- Cladding an installation.
- Changes affecting the property's outside appearance, such as an access ramp.
- Works that need approval under other legislation (e.g. council approval).

Where a common property rights by-law is required for your renovations, plans, quotes, engineering reports, the proposed by-law and other supporting documentation must be presented to the owners corporation along with the lot owner's written consent confirming that should the by-law be passed at the meeting by special resolution, it can be registered at the Land and Property Information (LPA) Division of the Department of Lands (refer to Section 108 of the Strata Scheme Management Act 2015).

## 3. By-laws and special resolutions

For works requiring special resolution or passing a special by-law via a general meeting, your strata committee will review the proposed scopes and plans to raise any queries or points of clarification.

Depending on your strata property's processes; the secretary must request that the necessary motion be added to the next general meeting. However, lot owners can also accelerate the process, at their expense, by submitting a written request for a specific general meeting to be held as soon as possible to address the matter.

Common property rights by-law must be presented at the general meeting as a proposed special resolution for major works. To be passed, no more than 25% of the unit entitlements present and entitled to vote can vote against the resolution. If resolved and approved, our office will make the necessary arrangements to have the by-law registered with the NSW Land Registry at the cost of the requesting lot owner.

Where a common property rights by-law is required for your works, the following documents must be presented to the owners corporation:

- Plans.
- Quotes.
- Engineering reports.
- The proposed by-law
- Other supporting documentation.
- Written consent from the lot owner confirms that the by-law can be registered at the Land and Property Information (LPA) Division of the Department of Lands if it is successfully passed by special resolution (refer to Section 108 of the Strata Scheme Management Act 2015).

Please note if any lot owners do not follow the correct procedures, they may be asked to restore the common property to its original state at the owners' expense.

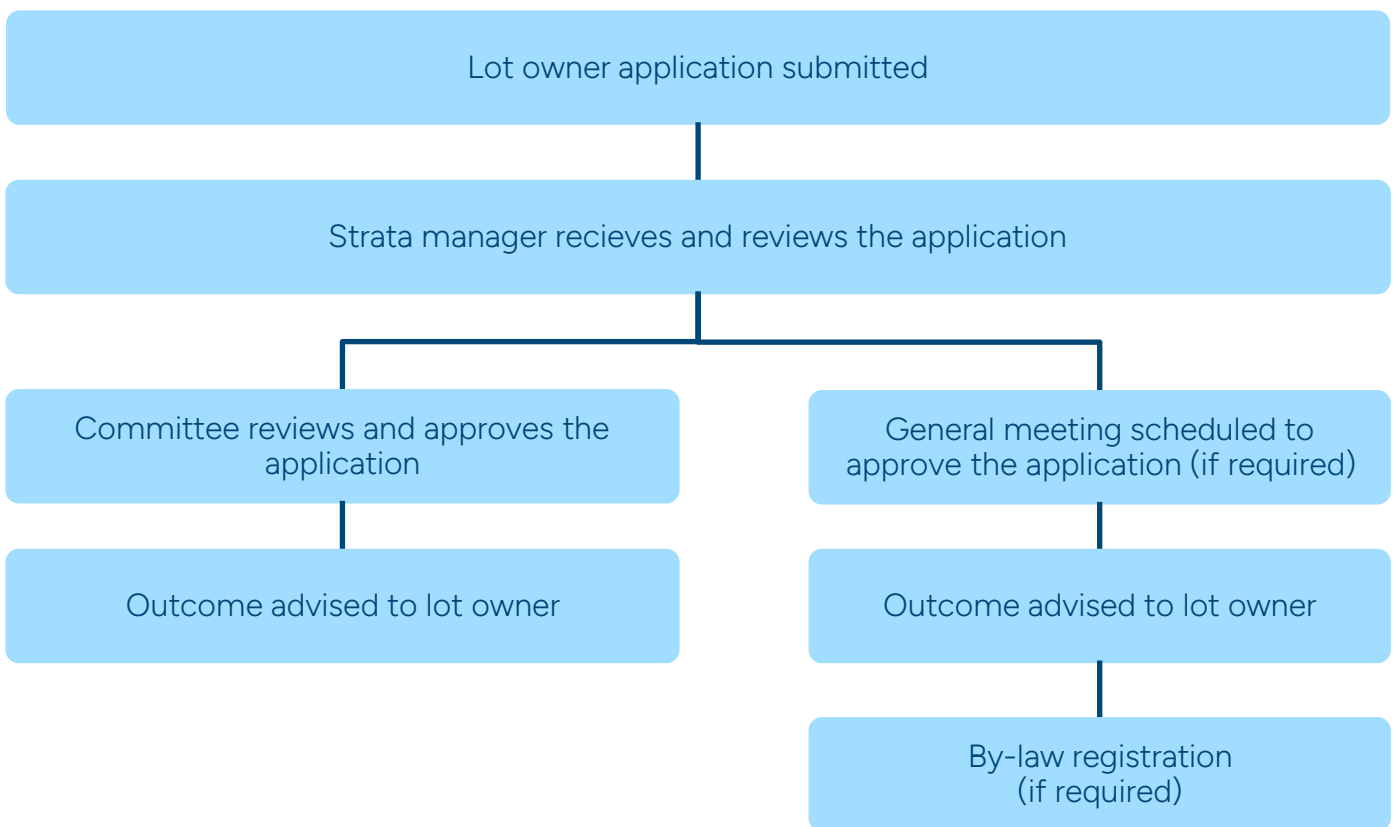
## 4. Alternations not affecting common property

If the alterations do not impact common property, it is still a requirement for the lot owner to advise the owners corporation of the upcoming work.

Under Section 152 of the Strata Schemes Management Act 2015, the lot owner must give 14 days written notice of their intention to alter the lot. This helps provide the owners corporation with sufficient time to ask questions and communicate any requirements regarding common property management.

If the strata committee is satisfied with the information provided, they may advise the lot owner that they acknowledge receipt of the notice and have no objections to the proposed alterations.

## 5. The application and approval process



Further information and tips regarding renovations in strata schemes can be accessed via the PICA group website library.

## 6. Important things to consider

Depending on the extent and nature of the works proposed, lot owners should consider the following key points when planning to undertake a renovation within their property:

- The works should be carried out by a licensed tradesperson. As the lot owner, you are responsible for providing the relevant details so that necessary checks can be made.
- Your tradesperson should be adequately insured, including public liability.
- For any minor and major works, the terms of the relevant by-law should attribute the responsibilities for the ongoing repair, maintenance, or replacement of any works to the lot owner (and any subsequent lot owner). You will also be responsible for reinstating any damage to common property (including any damage incurred by your appointed tradesperson or contractor).
- You may need a development application (DA) approval from your local council for any layout changes or new construction. Approval of the owners corporation must be included with your council application.
- If your building is heritage-listed it may require different approvals. Please investigate this before starting the application process.
- Consider ways to minimise disturbance to other residents and avoid damage to common property. For example:
  - i. Transportation of all construction materials, equipment, debris, and other materials will need to be considered and managed.
  - ii. Protecting the common property areas outside of your lot from damage caused by the transportation of construction materials, equipment, and debris in a manner reasonably acceptable by the strata plan.
  - iii. Ensure all areas of the building outside of the lot are kept clean and tidy during the work.
  - iv. Make sure the contractors understand and abide by any agreed work hours specified by the local council and or imposed by the strata plan under the terms of any by-laws.
  - v. If the work is likely to create noise that could cause discomfort, disturbance, or interfere with the activities of any other building resident, it's important to communicate with your neighbours and residents early. Let them know what type of disruption they might experience and how long it may last.

## 7. Checklist

### Completed application form

- Original to be provided.

### Internal structural changes (plans attached)

- Plans showing the changes to the internal structural components of the lot and penetrations of the structural columns of the building, floors or ceilings are to be provided.

### External changes (plans attached)

Plans showing the changes to the exterior of the building are to be provided.

### Development application (DA)

Complete the original DA and submit it to the council along with all supporting documentation.

### Architectural integrity (evidence attached)

In accordance with the Strata Schemes Management Act 2015 all external works must be in keeping with the architectural integrity of the existing building.

### Floor coverings (evidence attached)

In accordance with the Strata Schemes Management Act 2015, all areas not exposed to water should be covered with soft materials, like carpet or treated sufficiently to prevent noise transmission so that other residents are not disturbed.

### Air conditioning (evidence and air conditioner terms and conditions attached)

Air conditioners, ventilations or associated ducting shall not be installed, modified, or removed without the written approval of the owners corporation. All details, including manufacturer noise ratings, compressor size and plant location and fittings must be supplied, along with the air conditioner terms and conditions form.

### Access to ducts, risers, and windows

Areas which the owners corporation may require access in the future, such as drainage duct covers and windows, must remain fully accessible and of the same existing size.

### Plumbing, electrical and fire (evidence attached)

- All plumbing and electrical work is to be performed by a licenced tradesperson to the standards of relevant authorities (evidence attached).
- Overflow trays and drains must be installed per Australian Standards to install or replace hot water service.
- Installation or replacement of quick shutting (quarter turn, lever action or similar) taps to be fitted with water hammer arrestors on both hot and cold-water lines.
- All wet areas are to be sealed in accordance with the Building Code of Australia.
- Detail additions or alterations to the electrical or water supply to the lot.
- Detail additions or alterations to cables, pipes through riser ducts, ceilings, floors, or walls (or similar works that may impact on the common property).
- Any alterations, connections or removal to the fire detectors must be detailed. If approved, the changes shall be certified by the fire certification contractor appointed by the owners corporation at the cost to the owner or applicant.

### Estimated start and finish dates

- Provide details of the estimated start and finish dates and time in terms of the number of weeks to complete the proposed renovations.

### Common property rights by-law

- If any changes are to be made to the common property, the applicant must arrange for a property or strata law specialist to draft a common property rights by-law for consideration by the owners corporation at a general meeting. Your agent can assist you with contact details of appropriately qualified solicitors where required.
- Approval for a common property rights by-law must be done via a special resolution of the owners corporation at a general meeting. Once passed, works cannot commence until the by-law is registered with the Land and Property Information (NSW).

### Builders certification

- You must supply full details for the proposed contractor's license and insurance particulars, including relevant certificates of currency for business insurance and public liability.