

Best Practice Guides

WHAT DO I HAVE TO DO TO RENOVATE MY APARTMENT ?

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Owner renovations have the potential to cause misunderstandings in strata schemes so you need to understand what to do and what not to do.

This fact sheet helps owners understand the renovation requirements in a simple question and answer format.

Do I need to tell anyone I'm renovating ?

Yes. In almost all cases a renovation will need to be notified to the owners corporation (at least) and will probably need approval. So, notify your owners corporation of any work you propose doing to avoid problems.

What things need specific notice to the owners corporation ?

The following things need specific notice –

- changes to the structure of the building (walls, floors, ceilings, roofs, balconies, pipes and ducts,
- changes to floor coverings that are likely to increase noise or noise transmission, and
- any changes to the appearance of the lot or things in the lot that can be seen outside.

Do renovations need approval ?

Often renovations will need owners corporation approval. That's because the renovations may affect appearance or noise, involve damaging common property floors, walls, ceilings or services, occupy common property, involve additions to the common property or otherwise need approval under the by-laws.

In all those cases you should seek and obtain approval before proceeding.

What kind of approvals can I get ?

There are a few levels of approval for renovations and you may need one or more of them depending on what you're doing.

Simple or minor works need approval under by-law 5 which can be given by the committee, strata manager or at a general meeting.

More extensive works will need approval at a general meeting by special resolution as either permission under section 65A or under a by-law (see more about by-laws below).

When do I need a by-law for my renovations ?

A by-law is required to approve renovations whenever they involve major changes to the common property, involve new structures in common property areas and/or you need to take over responsibility for the renovation works and affected common property. This happens more often than most owners realise.

Can approvals contain conditions ?

Yes. Any kind of owners corporation approval can contain conditions,

The kinds of conditions are entirely up to the owners corporation to set with agreement of the owner and can cover elements of the renovations (like materials, etc), how and when the work is performed (like working hours, access arrangements, etc), payment (for security bonds, approval process costs, use of common property, etc) and future responsibilities for maintenance, repair or damage caused by the renovation.

Sometimes by-laws can become very complicated.

Why is a by-law a good idea for renovation ?

Even if you don't strictly need a by-law for your renovations, it may be a good idea because –

- it ensures that the owners corporation agrees to the work and renovation,
- the approval and details of your renovations will be permanently recorded on the common property title,
- future owners of your lot will get the benefit of the by-law,
- any issues about the renovations in the future (when you sell or if there is a problem) can be avoided or more easily resolved,
- it doesn't cost much in comparison to the likely cost of the renovations.

Will my renovations need council approval ?

Probably. In most local council areas anything more than redecorating will need local council approval (especially if affects the exterior appearance or involves work to structures and services). You should check with the local council before proceeding with renovations.

Local council approval is separate to and additional to owners corporation approval.

But, you may also need the owners corporation to agree to apply to local council for approval and it is likely that they will require that kind of approval as condition of their own consent.

Can I contest a refusal or unreasonable conditions ?

Yes. If the owners corporation refuses to approve your renovations (including a request for a by-law) you can have the decision revisited by an application to the Consumer Trader and Tenancy Tribunal and they will decide about it on merit reasons – considering your proposed works, the reasons or conditions for refusal, your reasonable expectations of approval and the interests of other owners in the strata scheme.

That process can involve mediation, adjudication on written submissions and/or an appeal hearing.

There is some legal doubt if you can contest an owners corporation's refusal to agree to making an application to local council for approval.

What other things will I need to consider for renovations ?

Each renovation is different but many will involve the following considerations.

- If the renovations involve structural matters, you may need structural certifications.
- If changes to floors occur you can expect issues about noise and acoustic issues.
- Where the work is worth more than \$1000 you will need to use license builders and have a contract.
- Where the work is worth more than \$12 000 you will also need Home Owners Warranty insurance
- You should consult and work with your direct neighbours as they will be most affected during and after the renovations.
- Think about how materials get transported in and out of your lot whilst works proceed.
- Any plumbing work will need to be done by licensed plumbers and be done carefully to avoid water leaks that will adversely affect other lots.
- Any waterproofing works need to be undertaken by experienced people, who will perform the work properly and carefully to avoid water leaks that will cause damage to other lots and common property.

- Things that change the exterior of a building are likely to be more contentious as they affect appearance, views, privacy, shadowing, etc.
- Patience helps as the approval process can often take longer than you may want and expect.

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