

INFORMATION FOR OWNERS WISHING TO RENOVATE OR IMPROVE THEIR PROPERTY

Revision: January 2021

71 Victoria St.
Potts Point

SP 38936

The Owners Corporation (or OC) welcomes redecoration, renovation and refurbishment by owners wishing to improve their property. This information provides details of the procedures you should follow to gain approval from the OC and matters that you need to keep in mind while carrying out the works, to minimise disruption and inconvenience to residents. Work performed without appropriate approvals may be illegal. This could result in serious problems, particularly when trying to sell the property. Note that lawyers for the purchaser routinely check the minutes of the Strata and correspondence related to units for sale. The OC declines any liability as a result of owners applying this information to specific cases. You should seek independent advice.

1. INFORMING THE OWNERS CORPORATION OF WORKS IN YOUR PROPERTY

According to the Strata Schemes Management Act, owners are obliged to inform the OC in writing of any work performed in their property prior to starting the work. Owners are also obliged to inform the OC in writing that the work has been completed. The Owners Corporation has the right to inspect the works.

1.1 APPROVAL BY THE OWNERS CORPORATION (OC)

The Strata Schemes Management Act 2015 (the Act) categorises 3 types of renovations:

1.1.1 S108 Changes to Common property. This includes (but is not limited to) structural work, changes to external and water proofing or building ventilation. This category requires OC approval via a special resolution and associated By-law, which can take some time to arrange. Approval can involve council approval and/or certifier approval in certain circumstances. Council will not normally accept an application unless it has OC approval via a special resolution.

The committee may require a statement from a certified planner or certifier to assist in determining if the proposal is exempt development, complying development or requires a DA. See '1.2 Approvals by Others' section. Such statement is at the applicants cost.

1.1.2 S109 Cosmetic Work. This includes (but is not limited to) painting, minor work on walls, laying carpet and installing and replacing wardrobes. This category does not require OC approval, but notification is required where tools and materials are transported over common property.

1.1.3 S110 Minor work. This includes (but is not limited to) replacing a kitchen, replacing or installing hard floors, reconfiguring non-structural walls, changing communications and power point. While the SSMA Category is called 'minor works', there may be instances like significant rearrangements where council and/or certifier approvals are required. This category of work requires strata committee approval, (as delegated by the OC), in the first instance.

1.1.4 You need to keep in mind that the process of approval by the OC may take a up to five weeks, depending on the schedule of meetings, whether the documents provided are complete and clear, and whether the Strata Committee requests modifications or changes to the proposal. The latter may require approval at another Strata Committee meeting, which can take place up to two months later. In your planning, you must allow for adequate time to obtain approval from the OC. It is in your interest that you

attend the Strata Committee meetings where your application is listed in the agenda.

1.2 APPROVALS BY OTHERS

As part of the process, the strata committee may require comments from the Building Manager, council, an accredited certifier, town planner or architect with regard to any further approvals, which can include, but are not limited to the following:

1.2.1 Development Application (DA). Some changes to Common property (like changes that impact the outside of the building) or where there is a significant rearrangement of internal walls may require council approval via a DA.

1.2.2 Complying Development Certificate (CDC). Certain works maybe deemed to be complying development, which means there is a lesser approval process. The council or a certifier can determine if the work is complying development and issue a CDC.

1.2.3 Waterproofing Certificate. All wet areas are considered to be common property and fall under the S108 changes to common property category. In each circumstance a waterproofing certificate is required as part of the final approval process.

1.2.4 Acoustic Certificate. Where hard floors are installed an appropriate acoustic certificate must be provided. In some instances this may require the services of a qualified sound engineer, otherwise a statement from the hard floor supplier.

1.2.5 Window and Door Performance. Our building is very exposed, particularly on the upper floors, which requires consideration of window and door performance. Australian standards AS1170 and AS 4055 (and others) apply and talk about exposure, wind pressure and window performance, summarising to a 'N' rating. Considering the exposure of our building, windows and doors should be a minimum N3 rating. Higher floors and full southerly and westerly exposure may require individual investigation by an engineer to

determine the correct rating, for example L20, full south is assessed as N4.

Any new window and door replacement should include the appropriate certification.

1.3 WORK WHICH IS UNLIKELY TO BE APPROVED

When considering renovations or alterations you need to keep in mind the following are unlikely to be approved:

- Any work that entails excavating, digging or chasing channels in the concrete slab
- Moving the intercom (this may be allowed in some circumstances and with the building's intercom maintenance contractor's advice and/or supervision)
- The removal or relocation of plumbing or electrical inspection plates
- Move the television outlet.

If you plan to do any of the above you must mention it in your letter seeking approval.

1.4 BOND

To facilitate compliance with OC's requirements and to ensure payment for any damage caused to common property, the OC requires that all owners wishing to conduct renovations in their property deposit a bond prior to starting work.

The bond has two components:

1.4.1 One component (80% of the total) is a refundable deposit to cover repair of damage caused to common property (e.g., lifts, corridors, paint etc.) in the process of the works and expenses incurred carrying out the inspections. This amount will be refunded (less expenses incurred to repair any damage) when you give notice to the OC that

works have been completed and, if appropriate, you send a copy of the **Certificate of Occupation** (provided by the local council) to the OC (see #13 below). If you have changed floor coverings you will also need to submit copy of the water-proofing certificate (for bathrooms and laundry areas) and copy of sound-proofing certificate, if you have changed floor coverings to hard flooring in other areas of your property.

1.4.2 The second component (20%) is non-refundable and covers the wear and tear caused to common property, lifts, carpets) and use of the facilities (e.g., toilets, level three for deliveries, lift protection).

1.4.3 Bond amount. The Strata Committee will set the specific amount of the bond depending on the extent of the works. The bond usually ranges from \$250 to \$5000, but could be more for very large renovations. Some cosmetic renovations such as painting a small area will not require a bond.

Please deposit via EFT to Owners Corporation SP 38936 BSB 112879 Account 040095905 or send cheque to the Secretary (made payable to Owners Corporation SP 38936 and crossed "Not negotiable").

1.5 INSPECTION OF RENOVATIONS

Strata committee may inspect each significant renovation several times. Inspection maybe be carried out by the Building Manager, nominated certifier, Engineer, members of the Strata and/or competent persons nominated by the Strata. A pre-inspection before any works start is mandatory. While members of the Strata won't charge a fee for this, fees by other competent persons engaged by the Strata for this purpose will be deducted from the bond.

2. PROCEDURE TO SEEK APPROVAL FROM THE OC

Attachment 1 contains a flow chart of the steps required for approval

- 2.1 Meet with Building Manager to understand the steps in the approval process.
 - 2.2 You will need to submit a letter that must describe clearly the nature, scope and extent of the works, including colour scheme of works that can be seen from outside the lot. If scaffolding will be required, you also need to give details including the length of time scaffolding will be in place. The letter must be specific (e.g. it is not appropriate to say 'I want to install new carpet or floor tiles' or similar 'either/or' statements). This covering letter will need to include the following: *I, the lot owner, am aware of and accept the conditions in special by-law 32 including, that owners who modify common property become henceforth responsible for the care and maintenance of that property, signing the Consent Form and meeting any conditions as set out in this guide.*

A copy of that special by-law is available from the Strata web site www.71victoriast.com.au

With the letter, you will also need to **submit clear, detailed and comprehensible** architectural drawings setting out the scope of the proposed works, the modifications to existing structures and specifications. All new works proposed and existing structures are to be clearly shown, with the new work highlighted in colour. This should also include changes to electrical wiring, plumbing, drainage etc. Enough detail must be shown in the drawings for the average person to understand the scope and nature of the works. The drawings must also be consistent with the contents of the covering letter.
 - 2.3 When appropriate (e.g., if brick walls, part of brick walls or hobs are proposed to be removed), you will also need to submit a **structural engineer's report** and engineering drawings, standards and specifications. In these cases, it is in your interest to complete a dilapidation report of nearby units. You are liable to repair cracks in walls that may appear in other units as a result of your renovations. The dilapidation report, including photographs, will clarify whether these faults were pre-existing.
 - 2.4 If you propose to glass your balcony and this entails moving the glass balustrade further outwards on the slab than was previously occupied by the brick wall or colour bond sheeting replaced by the glass balustrade, you must provide proof by line of sight that this will not impinge on the privacy of any adjoining unit. Also note comments under the glass balcony section
 - 2.5 Electronic copies of 2.1, 2.2, 2.3, if appropriate, 2.4 must be forwarded to the Building Manager at the building manager email address, buildingmanager@71victoriast.com.au
- 2.6 These documents will need to be submitted **at least 10 days prior to the next scheduled meeting** of the Strata Committee to allow the Strata Committee to give due consideration to the works.
- 2.7 The Strata Committee has the right to accept, reject, set special conditions and/or amend any application.
- 2.8 If the application is approved by the Strata Committee, the Committee will also decide the amount of the bond (see BOND above).
- 2.9 Upon approval, you will receive an approval letter which sets out any specific conditions of your approval and will include signature pages for you and your building that you agree with those conditions.
- 2.10 Once the application is approved by the Strata Committee and the bond money received, the seal of the OC and appropriate signatures will be affixed to the documents. If more than one signed copy is required, you will need to provide the Building Manager with the copies you need for subsequent submission to the City of Sydney Council. The OC will keep one copy for the records.
- 2.11 In the case of Council approvals, should you wish to proceed with the works, a Development Application, applications for Construction Certificate and a Structural Certificate (completed by an engineer) will usually be required by the City of Sydney Council. The Council charges the applicant for lodgement of all of these documents. Please seek advice from the Council about their requirements for your specific works.
- 2.12 When the Council approves the works, a copy of the approval must be forwarded to the Building Manager prior to commencement of the work.
- 2.13 Upon completion of the works an engineering inspection and final approval will be required. On this basis City of Sydney Council will issue a **Certificate of Occupation**. You must send a copy to the Building Manager for our records.
- 2.14 If for any reason you change the proposed works substantially **you will need to resubmit** the application including the changes to the OC for approval.

3. OTHER IMPORTANT MATTERS TO KEEP IN MIND PRIOR TO RENOVATIONS

3.1 AIR CONDITIONING

If you wish to install air conditioning, you must seek approval from the OC and ensure that water from the cooling unit does not drip onto other owners' property or common property. You must explain in your request to the Strata Committee how you are planning to ensure this does not occur. Note that some units have access to a condensate evacuation pipe, which must be used if air conditioning is installed.

3.2 COLOUR SCHEME

The colour of items that can be seen from outside your unit should be consistent with the current colour scheme. Metal work in windows should be anodised bronze; balcony walls should be natural brick, brick colour or white; exterior blinds and awnings charcoal when viewed from the outside. If you have doubts consult with the building manager.

3.3 CHANGES TO A CAR SPACE

If you wish to enclose or add storage to your car space, please refer to our 'Garage Policy' which is available from our web site www.71victoriast.com.au.

3.4 ENTRANCE DOOR TO YOUR UNIT

This door is a fire/smoke door and is subject of a variety of regulations. Please do not add or change locks or do anything else to this door without seeking appropriate advice. If, due to modifications, the door becomes non-compliant with the regulations you will need to install, at your expense, a new door that complies. The Building Manager will be happy to advise on this matter.

3.5 FIRE/SMOKE DETECTORS

Removing or tampering with the fire/smoke detectors in each flat triggers a fire alarm via our fire panel. You will be liable for the cost: false alarms attract a penalty of \$1776.00 from NSW Fire & Rescue. Also, if fire detectors are removed or tampered with during renovations, you will need to provide the Building Manager with a certificate after completion showing that fire detectors comply with current fire regulations. You will need to obtain this certificate from the contractors looking after fire safety in the building. Otherwise the OC will have to obtain this certificate and recover the cost from you. Consult the Building Manager if you need advice.

Every unit must have a smoke alarm, but there is no requirement to have this alarm connected to the Fire panel.

3.6 FLOOR COVERINGS

Permission to change floor coverings is consistent upon the owner ensuring compliance with By-law 15 and providing copy of the acoustics certificate. This By-law states that, "an owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent transmission from the floor space of noise likely to disturb the

peaceful enjoyment of the owner or occupier of another lot." If you request changing the floor coverings (tiles) in bathrooms or laundry area you will need to submit to the OC copy of the water-proofing certificate. If you are considering the installation of a timber floor it may be that for any reason or cause, damage or loss of the installed flooring is not covered by the OC insurance.

3.7 GLASSING OF BALCONIES

Waratah apartments have a standard design drawing for the installation of glass balconies, which is available upon request. Glassed balconies must have a handrail and be consistent in colour and appearance with balconies with these characteristics in other parts of the building. You do require a structural engineer's report when you submit your plans to the OC and to local council, or a structural engineer's certificate at completion. You must ensure that (1) as a result of your alterations, no water overflows or drips onto other units or common property (becoming a nuisance and interfering with others' enjoyment of their property) or causes unsightly stains; (2) slab-face is properly protected with metal cover of the same colour as in other parts of the building.

Recent changes to council approvals process may mean that Glass Balconies could be considered as exempt or complying development. In the case of complying development a CDC is required from the council or certifier with the application. Note comments in 1.1 S108 and 1.2 Approvals by Others sections.

INSPECTION PANELS

Within the confines of each lot it will be noticed there are metal inspection panels fitted. These panels are for the purpose of repairs and maintenance to various plumbing and cabling services and are designated as common property. Under no circumstances are these panels to be covered and/or obstructed or access hindered.

TELEVISION OUTLETS

You should not tamper with or disconnect the television outlets. Given the way television reception is wired, it will result in loss of reception to apartments below you and you will be charged with the cost of the repairs. There is FOXTEL cable access outside all apartments. If you want to install cable TV you need to contact the provider and to install a specific line for cable TV inside your apartment. Please note that this cannot be done using existing TV wiring since connecting FOXTEL results in a loss of free-to-air reception to other units and you will be charged with the cost of the repairs.

4. CARRYING OUT THE WORKS

4.1 BEFORE THE WORK STARTS

You and the person in charge of the renovations, builder or tradesmen, are required to meet with the Building Manager or Concierge (Phone: 9357 4444) prior to starting the work. This will allow you to become fully aware of the facilities available in the building and your (and your tradesmen's) obligations. A pre inspection by the Building Manager is a condition of the renovation approval, work cannot commence until this has taken place and relevant documentation/approvals been provided.

Important matters that you need to do or discuss are:

- Notify neighbours above, below and both sides when you are intending to renovate
- Arrangements for parking
- Use of lifts
- Arrangements for delivery of supplies
- **Disposal of rubbish.** Please note that building, renovation or redecoration refuse, including carpets or blinds, cannot be left in the garbage room; you must make arrangements for the separate disposal of that rubbish. Disposal of rubbish using the garbage chute is dangerous for the cleaners, difficult to clean and expensive. Disposal of rubbish using the garbage chute is a serious matter and owners will be charged with the cost of cleaning or repairing the chute.
- Access to toilets. If water has been turned off in the unit being renovated, you may ask the Concierge to use the toilet facilities in level 9.
- Protection of common property
- Working hours.
- Schedule of fees and charges, see note below re false alarm fee from NSW Fire & Rescue
- Please notify the front desk the day before you intend to jackhammer or drill. Percussive noise is only allowed during the periods 10.00 am to 12.00pm and 1.00pm to 3.00pm.
- You and/or your subcontractors must take out adequate third party insurance (minimum \$10 million).

4.2 DURING THE WORKS

You and/or your workers must:

- Register/sign in all trades persons with reception before commencing work in the building
- Comply with current occupational health and safety regulations at all times. It is the contractor's responsibility to ensure the safety of all persons on site and to ensure that their activities or the activities of their subcontractors do not compromise the safety of the other building occupants.
- Do not cover over or obstruct inspection panels within the unit
- **Use adequate protection for lifts, walls, fittings and floors in common property.**
- Under no circumstances transport building materials, equipment or furniture through the main foyer (Victoria Street) entrance
- Clean up common property after work every day
- Not work on Saturdays, Sundays or Public Holidays
- Not start work before 7am and finish by 5:00 pm
- Not leave renovation/refurbishment rubbish in garbage room
- Take steps to minimise noise, dust and nuisance.
- Isolate fire panel in case of noise, dust or "hot works" (Contact front desk before you commence). This is your responsibility. NB: The NSW F&R charge is **\$1,776** fee for false alarm call out. This fee is your cost.
- Do not park illegally on common property

4.3 INSPECTIONS

You must inform the Building Manager/Concierge when you actually start work and when demolition work has been completed for them to organise the appropriate inspections (see above).

4.4 WATER PENETRATION DURING BUILDING WORK

You need to ensure during the renovation that rain or stormwater does not penetrate the unit during inclement weather and causes damage other owners' properties. You will be required to repair any damage caused.

Attachment 1 Renovation Approval Flow Chart

