**SP4701**

**EXTRACTS OF BY-LAWS RELATED TO MINOR RENOVATIONS**

**DEFINITION OF MINOR RENOVATIONS**

“**Minor Renovations**” means an owner’s work which affects the common property in connection with their lot for the following purposes:

* + 1. Renovating any room in a lot;
		2. Changing recessed light fittings;
		3. Installing or replacing wood or other hard floors;
		4. Installing or replacing wiring, cabling, pipes, or ducts
		5. Installing or replacing power or access points;
		6. Work involving reconfiguring walls;
		7. Removing carpet or other soft floor coverings to expose underlying wooden or other hard floors;
		8. Installing a clothesline;
		9. Installing a reverse cycle split system air conditioner or ducted air conditioning system;
		10. Installing double or triple glazed windows;
		11. Installing a heat pump or other hot water service;
		12. Installing ceiling insulation;
		13. Installing an aerial, antenna, or satellite dish;
		14. Installing a skylight, ventilation or exhaust fan or a whirlybird directly above a lot;
		15. Any other work described in Section 110(3) of the Act;
		16. Any other work that is not:
			1. Cosmetic Work;
			2. Work involving structural changes;
			3. Work that changes the external appearance of a lot, including the installation of an external access ramp;
			4. Work involving waterproofing;
			5. Work for which consent or another approval is required under any other legislation (e.g. development consent under the Environmental Planning and Assessment Act 1979);
			6. Work that is authorised by a by-law made under Section 108 of the Act or a common property rights by-law;
			7. Any other work described in Section 110(7) of the Act;

but does include the work described in sub clauses (A) to (G) above.

**PROVISIONS RELATED TO MINOR RENOVATIONS**

1. An owner may only carry out Minor Renovations with the approval of the owners corporation.
2. The owners corporation delegates its functions under Section 110 of the Act to the strata committee. In the event the owners corporation and the strata committee exercise the same function under Section 110 of the Act, the exercise of the function by the owners corporation prevails.
3. The owners corporation has decided, in accordance with Section 106(3) of the Act, that it is inappropriate to maintain, renew, replace or repair Minor Renovations and its decision will not affect the safety of any building, structure or common property or detract from the appearance of any property in the strata scheme.

Application to owners corporation for approval for Minor Renovations

1. Before the owners corporation considers approving Minor Renovations, an owner must make an application to the owners corporation for approval, such an application to be in writing and sent to the secretary of the owners corporation and must contain:
	1. The owner’s name, address and telephone number;
	2. The lot number connected with the works;
	3. Details of the work including plans, specifications, drawings, conditions, and notes;
	4. An estimate of the duration and times of the work;
	5. Details of the persons carrying out the work including their name, licence number, qualification, and telephone number;
	6. Details of arrangements to manage any resulting rubbish or debris arising from the work;
	7. A statement that the work does not involve:
		1. The removal or alteration of a structural element of the building;
		2. The installation, replacement or exposure of a waterproofing membrane or flashings;
		3. Changing the external appearance of any lot;
		4. Detrimentally affecting the safety of a lot, including fire systems;
	8. A statement that the owner will be responsible for the costs of the owners corporation in considering the application for approval including any meeting costs or the costs of engaging any consultant.

Determination of application for approval of Minor Renovations

1. When determining an application made in accordance with clause 13, the owners corporation may:
	1. Request further information from the owner if considered necessary (acting reasonably) to supplement the original application (and thereafter re determine the application);
	2. Engage a consultant to assist it to review the application;
	3. Approve the application with some or all the conditions contained in clauses 15 to 25, or impose additional conditions;
	4. Refuse the application, but must not act unreasonably when doing so.

Before Minor Renovations are carried out

1. Before carrying out Minor Renovations an owner must:
	1. Give to the owners corporation evidence that those persons carrying out the work have:
		1. Any requisite current licence to conduct the work;
		2. Contractors’ all risks insurance cover (incorporating cover against public risk in respect of claims for death, injury, accident and damage occurring in the course of or by reason of the works to a minimum of $10,000,000);
		3. Insurance if required under Section 92 of the *Home Building Act 1989*;
		4. Workers compensation insurance if required by law;
	2. Give to the owners corporation and each occupier (which can be by way of letter box drop) in the building in which the lot is situated, written notice of the anticipated commencement and completion date of the work, such notice to be given at least 7 days before the commencement of the work. This notice, or any updated notice, is to be updated at any time the expected date of completion is extended by more than one week
	3. If the work involves:
		1. Removing carpet or other soft floor coverings to expose underlying hard floors; or,
		2. The installation or replacement of wood or other hard floors;

to an area other than a kitchen, bathroom, or laundry, provide to the owners corporation certification from an acoustical consultant approved by the owners corporation, that new flooring will have an acoustical star rating of 5 Stars or better, according to the Guideline for Apartment and Townhouse Acoustic Rating promulgated by the Australian Association of Acoustical Consultants, such certification to be in favour of the owners corporation.

* 1. If requested by the owners corporation:
		1. Give to the owners corporation a report from a structural engineer approved by the owners corporation, certifying that the work does not involve structural changes, such certification to be in favour of the owners corporation;
		2. Give to the owners corporation a report from a waterproofing expert approved by the owners corporation, certifying that the work does not involve waterproofing, such certification to be in favour of the owners corporation;
		3. Give to the owners corporation a dilapidation report prepared by a person approved by the owners corporation and having reviewed the approved application, such a report be in writing and to include photographs of any area of the building that may be affected by the work;
		4. Pay a bond to the owners corporation in such an amount and on such terms as the owners corporation determines, acting reasonably.

When Minor Renovations are being carried out

1. When carrying out Minor Renovations an owner must:
	1. Do the work in a proper, timely, skillful, and workmanlike manner using materials that are suitable for the purpose for which they are used;
	2. Ensure that any contractors are adequately supervised to ensure compliance with these conditions;
	3. Ensure that the work complies with applicable Australian Standards and the Building Code of Australia (and in the event of any inconsistency, the Building Code of Australia will prevail);
	4. Request the owners corporation, in accordance with the provisions clause 9(a) of by-law 2.4 on Structural Maintenance, to conduct a precautionary inspection of the structural integrity of the concrete slab of the lot if the work involves removal of floor coverings or changes to other parts of the lot which are difficult to access;
	5. Make suitable arrangements with the owners corporation regarding the times and method for the owner’s contractor to access the building and the parking of any vehicle of the contractor on the parcel while the works are being conducted;
	6. Ensure that no vehicle is left unattended on the common property unless the vehicle is in a designed car parking place or as otherwise approved by the owners corporation;
	7. Only perform the works at the following times:
		1. All noisy building activities (including, but not limited to, concrete cutting, drilling or constant hammering): between 9am and 4pm Monday to Friday only, and not on a public holiday or on any date falling between 23 December and 9 January; in addition, such noisy building activities must cease for one hour during the hours between 11.30am and 2.00pm;
		2. All other work between 8am and 4pm Monday to Friday and not on a public holiday or on any date falling between 23 December and 9 January;
	8. Transport each item including but not limited to construction materials, equipment and debris in the manner reasonably directed by the owners corporation. No items are permitted to be transported through the main ground floor lobby;
	9. Protect the building both internal and external to the lot from damage from the conduct of the works (including their removal) and from the transportation of construction material, equipment, debris and other material required to conduct and maintain the works, in a manner reasonably acceptable to the owners corporation including but not limited to
		1. laying protective mats on common property floors likely to be affected by the transportation of goods or building materials to and from the lot, and
		2. ensuring that power tools are not used to cut materials on common property, and
		3. ensuring that the weight of loads placed in the lift are no more than 75% of the load limit as specified in the lift, and
		4. ensuring that the lift wall and floor covers are in place before the commencement of works each day, and that such covers are removed at the end of each working day, and
		5. ensuring that the lift is not stopped from operating for long periods for the loading or unloading of construction material, equipment, debris and other materials required to conduct and maintain the works.
	10. Notify the building manager or other nominee of the owners corporation of any damage to the building as a result of the conduct of the works within 24 hours of becoming aware of the damage, and advise the steps proposed to be taken to repair the damage and any consequent effects of the damage;
	11. Keep common property access ways to their lot clean and free from building materials, dust and rubble at all times. No building material or refuse of any kind must be left on common property;
	12. Remove rubbish not confined within the lot from the building arising as a result of the works daily and dispose of the rubbish in a manner approved by the owners corporation and not, unless approved, in any of the rubbish bins for the building;
	13. At the end of each day during which works have occurred, thoroughly tidy, clean and, as appropriate, mop the lift, the lobby of the floor of the lot, the lower ground floor lobby, and any other area of the common property which have been made unclean or untidy as a result of the works on that day;
	14. Subject to any safety requirements, keep the entrance door, any balcony door or doors, and all windows to the owner’s lot, closed at all times while the works are being conducted;
	15. Ensure that the security of the building is not compromised and that no common property doors are left open for an unreasonable period or left open and not attended;
	16. Not use common property power;

(q) Give access to the owners corporation’s nominee access to the lot to inspect (and if required by the owners corporation to also supervise) the work upon reasonable notice being given.

After Minor Renovations are carried out

1. After carrying out Minor Renovations an owner must:
	1. Notify the owners corporation that the work has been completed within 7 days after its completion;
	2. Give the access to the owners corporation’s nominee access to the lot to inspect the work;
	3. Notify the owners corporation that all damage, if any, to lots and common property caused by the works and not permitted by the approval has been rectified, and provide proof to the satisfaction of the owners corporation. Such notice must be provided to the owners corporation within 28 days of the completion of the work;
	4. If the work involved:
		1. Removing carpet or other soft floor coverings to expose underlying hard floors; or,
		2. The installation or replacement of wood or other hard floors;

to an area other than a kitchen, bathroom, or laundry, provide to the owners corporation a report from an acoustical consultant approved by the owners corporation, that the new flooring has an acoustical star rating of 5 Stars or better, according to the Guideline for Apartment and Townhouse Acoustic Rating promulgated by the Australian Association of Acoustical Consultants;

* 1. If required by the owners corporation:
		1. Give to the owners corporation a report from a structural engineer approved by the owners corporation, certifying that the work has not affected the structural integrity of the building, such certification to be in favour of the owners corporation;
		2. Give to the owners corporation a report from a waterproofing expert approved by the owners corporation, certifying that the work has not affected any existing waterproofing membrane or has involved waterproofing, such certification to be in favour of the owners corporation;
		3. Give to the owners corporation a report from a duly qualified building consultant or expert approved by the owners corporation, certifying that the work has been completed in compliance with the Building Code of Australia and any applicable Australian Standards, such certification to be in favour of the owners corporation;
		4. Give a post works dilapidation report prepared by the same person who prepared the report in clause 14(d)(iii).

Use of Minor Renovations

1. An owner (or other user of the work) must ensure that the use of the work following completion:
	1. Does not unreasonably interfere with the peaceful use or enjoyment of an occupier of another lot or any person lawfully using the common property;
	2. Complies with applicable laws, and applicable requirements of the local council.

Repair of any damage

1. An owner must repair any damage caused to any other lot or the common property by the conduct or use of the works, such repairs to be carried out without delay.

Repair and maintenance

1. An owner must maintain and keep in a state of good and serviceable repair the work and any common property affected by the work. An owner must also renew or replace the work where necessary. The provisions of clauses 15 to 17 apply to any work the owner carries out to comply with this clause.

Indemnity

1. An owner indemnifies and keeps the owners corporation indemnified against any loss, claim, cost, legal liability or proceedings in respect of any injury, loss or damage whatsoever to the common property, or other property or person insofar as such injury, loss or damage arises out of the:
	1. Performance of the work;
	2. Use of the work;
	3. Failure to comply the duty to maintain, repair, renew or replace;
	4. Performance of any work required to comply with the duty to maintain, repair, renew or replace;
	5. Owner’s breach of any part of this by-law insofar as it related to Minor Renovations.

Insurance

1. An owner must, if required by the owners corporation, make, or permit the owners corporation to make on the owner’s behalf, any insurance claim concerning or arising from the work, and use the proceeds of any insurance payment made as a result of an insurance claim to complete the work or repair any damage to the building caused by the work.

Bond

1. The owners corporation may apply any part of a bond paid by an owner towards the costs of the owners corporation incurred in repairing any damage caused to common property or any other lot during or as a result of the work, or cleaning any part of the common property as a result of the work.
2. The owners corporation must refund the bond, or the remaining balance of it, within 14 days of being notified by an owner that work has been completed and the owners corporation is reasonably satisfied that the owner has complied with the conditions of approving the work.

Costs

1. An owner is responsible for all costs, fees, and expenses incurred by the owners corporation in considering or granting approval, enforcing any breach of a condition of approval, and undertaking any action, matter or thing required of it in relation to a Minor Renovation.

*Extract from By-Laws passed at AGM of 8 August 2017*