

ANNEXURE "A"

SP 52948 Consolidated By-Laws

Special By-Law 13 Cosmetic works, minor renovations and major renovations

(Repealed and replaced by special resolution passed on 27 October 2022.)

1. This by-law is made for the purposes of governing the carrying out of Works to a lot and/or the common property.
2. For the purpose of this By-law, 'Works' means the additions, replacements and alterations undertaken by the Owner (at the Owner's cost and to remain that Owner's fixtures) to their lot and the common property.
3. **Cosmetic Works - approval of owners corporation not required**
"Cosmetic Works" means any works that are not 'Minor Renovations' and not 'Major Renovations' and that do not require approval of the Owners Corporation and it includes, but it 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.
4. Each Owner has the right under s 109 to undertake 'Cosmetic Works', however the Owner must not do anything on the lot or common property that is likely to affect the operation of fire safety devices in the lot or to reduce the level of fire safety in the lots or common property.
5. **Minor Renovations - approval by strata committee required**
Each Owner has the right to undertake "**Minor Renovations**", subject to the conditions set in this By-Law and limited to the following works:
 - (a) Renovating and or replacing a kitchen, a bathroom or a laundry (not including any waterproofing works including the replacement of waterproofing membranes);
 - (b) Changing recessed light fittings and / or other types of light fittings;
 - (c) Installing or replacing wood or other hard floors (not including the installation of 'floating floorboards' or alike material in bedrooms or bathrooms), subject to the terms of any existing flooring works by-law(s);
 - (d) Installing or replacing wiring or cabling or power or access points;
 - (e) Installing or replacing garage door motors;
 - (f) Work involving reconfiguring walls (not including load-bearing walls or any structural works);
 - (g) Installing a reverse cycle split system air conditioner (not affecting the external appearance of the building);
 - (h) Installing a solar photovoltaic system or solar hot water system;
 - (i) Installing a heat pump;
 - (j) Installing ceiling insulation;

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- (k) Installing double or triple glazed windows (that are in keeping with the external appearance of the lot);
- (l) Installing or replacing venting to carry exhaust air outside from items such as:
 - (i) a range hood,
 - (ii) oven,
 - (iii) shower,
 - (iv) clothes dryer,
 - (v) gas heater, or
 - (vi) similar appliance.
- 6. Pursuant to section 110(6)(b) of the *Strata Schemes Management Act 2015* the Owners Corporation delegates its authority to the Strata Committee to decide whether to approve the Minor Renovations outlined in this by-law.
- 7. Where any works covered under clauses 3, 5 or 9 of this by-law were undertaken by an Owner before this by-law was made then any provision of this by-law concerning repair and maintenance and liability and indemnity will also apply to those works.
- 8. To the extent of any inconsistency with previous by-laws, this by-law prevails.
- 9. **Major Renovations - approval by the Owners Corporation required**
"Major Renovations" means all of and not limited to the following:
 - (a) Work involving structural changes such as the removal of the whole or part of a load-bearing wall, or the installation of structural support beams;
 - (b) Work that changes the external appearance of a lot, including the installation of an external access ramp, awning, shutters, pergola or vergola or installation of a new window or door in a boundary wall of the lot;
 - (c) Waterproofing works to the bathroom, kitchen and/or laundry within a lot which includes the laying of a new waterproofing membrane;
 - (d) Waterproofing works to the external balconies and courtyards within a lot;
 - (e) The installation of a ducted air conditioning system;
 - (f) Work for which consent or another approval is required under any other Act such as development consent of the local council under the *Environmental Planning & Assessment Act 1979*.
- 10. An Owner must not undertake "Major Renovations" or "Minor Renovations" without providing the Strata Committee with:
 - (a) a signed application form including the documents referred to in clause 12(b)(iii) applicable to the Owner's Minor or Major Renovations; and
 - (b) the Owner's written consent to be bound by the terms of this by-law in the form annexed to this by-law and marked "A".

If approval is granted the Minor Renovations or Major Renovations works must comply with the conditions set out in this by-law.
- 11. The Owners Corporation is obliged to convene an Extraordinary General Meeting to determine whether the Major Renovations may proceed, and the Major Renovations are required to be passed by special resolution at a general meeting of the Owners Corporation, and the schedule of Major Renovations at Annexure B shall be updated on the Certificate of Title to authorise the carrying out of the Major Renovations.

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CONDITIONS

12. "Minor Renovations" and "Major Renovations" are subject to the following Conditions:

Before undertaking the works

- (a) The Owner must notify the Owners Corporation at least 21 days before undertaking the works and obtain the prior written approval for the works from -
 - (i) the Strata Committee of the Owners Corporation; and
 - (ii) the relevant consent authority under the *Environmental Planning and Assessment Act 1979* (if required); and
 - (iii) any other relevant statutory authority whose requirements apply to undertaking the works.
- (b) The Owners must submit to the Owners Corporation the following documents relating to undertaking the Minor or Major Renovations prior to obtaining written approval from the Strata Committee:
 - (i) a document indicating the proposed start and end dates (which upon approval and prior to commencement of the works must be confirmed with the Strata Committee or its appointed nominee);
 - (ii) a document including the full name and contact details of the person appointed to project manage the works;
 - (iii) documents relating to undertaking the works:
 - A. plans and drawings/ diagrams;
 - B. specifications of work (including product brochures, if available);
 - C. if the works involve the replacement or removal of any wall or walls, then a report from a licensed structural engineer and certification that the removal of the wall or walls shall not undermine the structural integrity of the building;
 - D. documents evidencing warranties, contractors' licences & insurances, reports & certifications of relevant building professionals, and the like;
 - E. any other documents reasonably required by the Strata Committee (including, but not limited to a by-law duly drafted by a specialised legal practitioner).
- (c) The Owner must ensure that any party carrying out the works effects and maintains contractors all works insurance, workers compensation insurance and public liability insurance in the amount of \$10,000,000 and any other insurance required by law and provides certificates of currency evidencing the insurance on request by the Owners Corporation.
- (d) The Owner must ensure that the works undertaken comply with the standards as set out in the Building Code of Australia (BCA) current at the time the works are undertaken.
- (e) An Owner installing or replacing wood or other hard floors must ensure that the works include the installation of a good quality acoustic underlay sufficient to prevent the transmission of noise to adjoining units.

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Payment of Bond

- (f) If required by the Owners Corporation, the Owner must provide a bond to the Owners Corporation via the Strata Managing Agent prior to commencing the works. The bond is for the purposes of ensuring that any minor damage to the common property doors, walls, tiles, flooring and any other common property may be rectified in a timely manner.
- (g) The amount of the bond referred payable by the Owner is to be paid in accordance with the following table:

Total cost of works	Amount of bond payable
Less than \$20,000	\$1,000
Greater than or equal to \$20,000	\$5,000

- (h) In the event the Owners Corporation decides to direct that bond money is due and payable to rectify damage to common property, then the following process shall apply:
- (i) The Owners Corporation shall give written notice to the Owner regarding the damage to common property.
- (ii) The Owner has ten (10) business days to rectify the damage to the satisfaction of the Owners Corporation, and to supply all evidence requested by the Owners Corporation regarding rectification of the damage.
- (iii) In the event that the works referred to in clause ii. above are not completed to the satisfaction of the Owners Corporation, the Owners Corporation may, subject to sections 120 and 122 of the *Strata Schemes Management Act 2015*, rectify the damage to common property and deduct the reasonable costs of same from the bond amount.
- (iv) In the event the costs of rectifying the damage to the common property exceed the bond amount, the difference shall be recoverable pursuant to the Liability and Indemnity clauses contained in this by-law.

Carrying out the works

- (i) In carrying out the works, the Owner must:
- (i) transport all construction materials, equipment, debris and other material, in the manner reasonably directed by the Strata Committee or its appointed nominee;
- (ii) protect all areas of the building outside their lot from damage by undertaking the works or the transportation of construction materials, equipment, debris;
- (iii) keep all areas of the building outside their lot clean and tidy throughout the performance of the works;
- (iv) ensure security of the building by not causing the front security door to be fixed open for an unreasonable period of time;
- (v) only undertake works at the times approved by the Strata Committee and in accordance with Council restrictions;
- (vi) not create noise that causes unreasonable discomfort, disturbance or interference with the activities of any other occupier of the building; and
- (vii) remove all debris resulting from undertaking the works immediately from the building in the manner reasonably directed by the Strata Committee or its appointed nominee.

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- (j) The Owner must ensure that the works shall be done:
 - (i) in a proper and workmanlike manner and by duly licensed contractors; and
 - (ii) in accordance with the drawings and specifications approved by the local council and the Strata Committee.

After completing the works

- (k) The Owner must notify the Owners Corporation that the works have been completed.
- (l) Where required by the Owners Corporation, the Owner must provide the Owners Corporation with:
 - (i) a certification by a structural engineer appointed by the Owners Corporation at the Owner's cost as to the structural integrity of the building; and
 - (ii) if the works involved waterproofing works, a waterproofing certificate by a Master Plumber or Certifier to evidence that the waterproofing has been applied in accordance with industry best practice and AS/NZS standards;
 - (iii) if the works involved the installation of a ducted or reverse cycle split system air conditioner, the owner must provide to the Owners Corporation a report from a qualified technician certifying that, upon inspection, the air conditioning and its associated condenser, pipes and conduit does not:
 - A. reduce the fire resistance level of any wall, or
 - B. produces noise that exceeds the dB(A) allowed under the Protection of the *Environment Operations Act 1997* (POEO Act) and (d) meets the energy consumption standards as prescribed under the relevant AS Standards.
 - (iv) if the works involved the installation or replacement of wood or other hard flooring, the Owner must provide to the Owners Corporation a report from an acoustic engineer of suitable expertise which certifies that the acoustic engineer has inspected the new flooring installations which form part of the works and those new flooring installations now achieve the anticipated performance standards that is expected of works carried out in accordance with clause 12(e) of this by-law.
 - (v) a certification from a Principal Certifying Authority under the *Environmental and Planning Assessment Act 1979* evidencing approval and sign-off of the relevant Building Certificates and Town Planning Approval.
 - (vi) any other document reasonably required by the Strata Committee in relation to the works undertaken by the Owner.

Repair and Maintenance

- 13. The Owner must, at the Owner's cost:
 - (a) properly maintain and keep the common property to which the works are erected or attached in a state of good and serviceable repair; and
 - (b) properly maintain and keep the works in a state of good and serviceable repair and must replace the works (or any part of them) as required from time to time.
- 14. If the Owner removes the works or any part of the works undertaken under this by-law, the Owner must at the Owner's own cost, restore and reinstate the common property to its original condition.

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15. If an Owner installs a solar photovoltaic system, a solar hot water system, an external air-conditioning unit or any other fixture to the common property roof, the Owner is responsible for the removal and reinstatement of same in the event the Owners Corporation deems such removal is necessary for the purpose of repairing and maintaining the common property roof.

Liability and Indemnity

16. The Owner indemnifies the Owners Corporation against:
 - (a) any legal liability, loss, claim or proceedings in respect of any injury, loss or damage to the common property, to other property or person to the extent that such injury, loss or damage arises from or in relation to the works;
 - (b) any amount payable by way of increased insurance premiums by the Owners Corporation as a direct result of the works;
 - (c) any amount payable by way of increased fire safety compliance or local authority requirements as a direct result of the works; and
 - (d) liability under section 122(6) of the *Strata Schemes Management Act 2015* in respect of repair of the common property attached to the works.
17. Any loss and damage suffered by the Owners Corporation as a result of undertaking the works may be recovered from the Owner as a debt due to the Owners Corporation on written demand or at the direction of the Owners Corporation and, if not paid at the end of one (1) month from the date on which it is due, will bear until paid, interest at the rate of 10% per annum until the loss and damage is made good.
18. To the extent that section 106(3) of the *Strata Schemes Management Act 2015* is applicable, the Owners Corporation determines it is inappropriate for the Owners Corporation to maintain, renew, replace or repair the works proposed under this by-law, such works being the responsibility of the Owner pursuant to the Repair and Maintenance clauses of this by-law.
19. The Owner agrees to bear the Owner's Corporation's reasonable legal costs of the registration of the addendum to the Major Renovations work (\$500 GST) and also agrees to bear the Strata Managing Agent's reasonable costs for holding a general meeting to approve the Major Renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting. These costs shall be incurred unless the Major Renovation approval can be included in the agenda for the Owner's Corporation's AGM.

Breach and Remedy

20. In the event an owner breaches this by-law, the Owners Corporation may:
 - (a) pursuant to section 120(2) of the *Strata Schemes Management Act 2015*, take action against the Owner to replace the works or reinstate the common property affected by the works to its original condition.
 - (b) pursuant to section 120(5) of the *Strata Schemes Management Act 2015*, recover the costs incurred in carrying out the replacement or reinstatement works from the Owner as a debt.

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Annexure "A" to Special by-law 13 – Cosmetic Works, Minor Renovations and Major Renovations Strata Scheme 52948

Consent to Exclusive use and Special Privilege By-Law

TO: The Secretary The Owners – Strata Plan No. 52948

AND: The Registrar General
Land Registry Services NSW
Queens Square Sydney NSW 2000

I/We _____, being the owner(s) of Lot ____
in Strata Plan No. 52948 HEREBY CONSENT and agree to be bound by the terms and
conditions of Special by-law 13 – Cosmetic Works, Minor Renovations and Major Renovations
conferring special privileges on owners that has been passed by Special Resolution of all
owners and registered on the common property Certificate of Title.

Dated: _____

Signature(s) of Lot Owner(s)

Name(s) of Lot Owner(s)

Lot No. ____

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Renovation Application Special By-Law for Cosmetic, Minor and Major Renovations

Owners seeking to undertake renovations to their lots are required to comply with the Special By-Law for Cosmetic, Minor and Major Renovations (Renovations By-Law) and the following procedures:

1. Lot owners are required to provide details of the proposed Minor & Major renovations by completing the following Application Form and submitting it with the required supporting documents to The Strata Manager at least 21 days before undertaking any work.
2. Cosmetic renovations do not require strata approval, so you are free to proceed with those works without approval unless Minor or Major renovations also form part of your renovations.
3. The completed Application Form and supporting documents will then be circulated to the Strata Committee for review.
4. You will be advised if any further information is required to be provided.
5. You will be advised if approval has been provided in accordance with the Renovations By-Law.
6. Should a specific by-law be required (for works outside the scope of the Renovations By-Law) you will be asked to have one drafted, ideally by a strata specialist lawyer, which will then need to be submitted to a general meeting of the Owners Corporation.

No work may commence without the written approval of the Owners Corporation and non-compliance may result in penalties being applicable.

Other documentation that may be required:

Subject to the nature of the works you may also be asked to submit an Engineers Report, a Dilapidation Report or further detailed drawings, plans etc.

Should the works also require Council approval, a Development Approval (DA) or Complying Development Certificate (CDC) would need to be obtained from Council and a copy provided to the Owners Corporation. Please check with your local council to see if your proposed works fall into this category. Please note your works may be approved by Council and not by the Owners Corporation or vice versa. Works cannot commence until all require approvals have been obtained.

Hard Flooring

Should your application include to install hard flooring, please check whether there is a specific hard flooring by-law for your strata plan. These applications will then be dealt with either under the Hard Flooring By-Law or as a Minor Renovation under the Renovations By-Law.

Should you proceed to install hard-flooring you are encouraged to use the highest grade of underlay/sound insulation available (if not defined in the by-laws) to minimise the risk of any breaches of by-laws in relation to causing noise disturbance to other residents. You should be aiming to install flooring that creates no more noise to adjoining residents than would a good quality carpet and underlay. Please ensure that you independently check the quality of the underlay being proposed by your flooring installer as they frequently quote for the lowest cost rather than the highest quality. If noise complaints are received from adjoining residents you may be required to remove the timber flooring or install additional carpets, mats, runners, etc.

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**Application & Indemnity Form
Minor & Major Renovations**

Owners Names

Property Address

Postal Address (if different from above)

Email Address

Phone Numbers

For Minor and Major Renovations, the following documents should be provided with the completed application form (please refer to Renovations By-Law for further detail on items required):

- Plans, drawings, specifications and product brochures
- Project Manager & Contractors documents, including copy of insurances, licensing etc.
- Program of works including proposed start and end dates
- Program of any noisy works including demolition, wall removal, tile removal, etc.
- List of any works that will be visible from outside of the lot such as changes to walls/doors, pipes, cables, ducts
- Payment of Security Deposit - \$1,000 if works under \$20,000 or \$5,000 if works \$20,000 or greater
- Structural Engineers Report (if works include removal and/or replacement of load-bearing walls)
- Dilapidation Report (if required by the strata committee)
- Copy of Home Owners Warranty Insurance Policy (if works exceed \$20,000)
- Copy of Development Approval or Complying Development Certificate (if required by Council)

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Declaration:

1. I/We lodge this application in accordance with the terms and conditions of the Cosmetic Works, Minor Renovations and Major Renovations By-Law (Renovations By-Law) and agree to those terms and conditions.
2. I/We certify that the details provided in this application are to the best of my/our knowledge correct.
3. I/We agree to pay the Application Fee of \$120 + GST (allowance of 1 hour) for The Strata Manager to review this application, research by-laws and obtain instructions from the Strata Committee. That this amount will be charged directly to my strata levy account and that additional charges may apply if further time is required.
4. I/We agree that should permission be given by the Owners Corporation to proceed with the Major Renovations then the attached 'Consent Form' (**Annexure A to Special by-law 13**) will be signed and returned to the Strata Manager prior to the commencement of works.
5. I/We confirm that the works will be carried out in accordance with the plans and specifications provided in my application, and that any modifications to the plans and specifications are to be approved by the Owners Corporation.
6. I/We will use the services of appropriately qualified and licensed contractors who are covered by Public Liability insurance of at least \$10 million, as well as Workers Compensation insurance (where required) and will supply this information to the Owners' Corporation.
7. I/We will properly manage, supervise and be responsible for all activities of my/our tradespeople and will ensure they:
 - a. Comply with these conditions.
 - b. Only conduct work during Council permitted hours.
 - c. Notify all residents of the any noisy works that will take place, and the expected duration, at least one week before the commencement of noisy works.
 - d. Will be responsible for the daily cleaning of any dirt or debris left on common property, including the floors, walls, lifts, carparks, driveways, etc.
 - e. Will not store building materials or rubbish on common property at any time.
 - f. That all rubbish will be removed from the property and the common property waste bins will not be used under any circumstances.
 - g. Will not obstruct common property (inside or out) at any time and will ensure the safety of residents and the site throughout the project.
8. I/We will be personally responsible for any damage to common property as a result of these works and acknowledge that any damage to common property will be dealt with in accordance to Clause 12(h) of the Renovations By-Law.
9. I/We agree that a representative of the Owners Corporation has the right to inspect the work at any time with one day's notice.
10. Following completion of the works, I/We will provide written notice to the Strata Manager / Owners Corporation that the works have been completed.
11. When requested by the Owners Corporation at any time following completion of the works, I/We will provide the following documents:
 - a. a certification by a structural engineer appointed by the Owners Corporation at the Owner's cost as to the structural integrity of the building;

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- b. if the works involved waterproofing works, a waterproofing certificate by a Master Plumber or Certifier to evidence that the waterproofing has been applied in accordance with industry best practice and AS/NZS standards;
- c. if the works involved the installation of a ducted or reverse cycle split system air conditioner, the owner must provide to the Owners Corporation a report from a qualified technician certifying that, upon inspection, the air conditioning and its associated condenser, pipes and conduit does not:
 - (i) reduce the fire resistance level of any wall, or
 - (ii) produces noise that exceeds the dB(A) allowed under the Protection of the *Environment Operations Act 1997* (POEO Act) and (d) meets the energy consumption standards as prescribed under the relevant AS Standards;
- d. if the works involved the installation or replacement of wood or other hard flooring, the Owner must provide to the Owners Corporation a report from an acoustic engineer of suitable expertise which certifies that the acoustic engineer has inspected the new flooring installations which form part of the works and those new flooring installations now achieve the anticipated performance standards that is expected of works carried out in accordance with clause 12(e) of this by-law;
- e. a certification from a Principal Certifying Authority under the *Environmental and Planning Assessment Act 1979* evidencing approval and sign-off of the relevant Building Certificates and Town Planning Approval;
- f. any other document reasonably required by the Strata Committee in relation to the works undertaken by the Owner.

Signature of Owner(s):

Owners Names

Owners Signatures

Date

ANNEXURE "B"

Approved Form 23

Attestation

The seal of The Owners - Strata Plan No.52948 was affixed on ^ 8/11/22 in the presence of the following person(s) authorised by section 273 *Strata Schemes Management Act 2015* to attest the affixing of the seal.

Signature:  Name: Robert Crossie Authority:

Signature: Name: Authority:

^ Insert appropriate date

