





The list of Sydney properties on the combustible cladding register has been made public and the results are shocking. 341 properties are on the register in Sydney and the Illawarra and many of these are high profile, residential, retail and public buildings.

Even more shocking is that no mandatory assessment regime has been imposed and that fire safety orders have been made in only 7 cases.

Information on the Planning NSW website suggests that the NSW Government's decision not to impose mandatory safety assessments was based on problems in the insurance market limiting the number of experts available for such assessments. Given the enormous risks involved, as illustrated by the London Grenfell disaster, neither that position nor the justification for it is satisfactory.

Given the complexity and costs involved, building owners may be unwilling or unable to resolve their fire risk cladding issues, at least without assistance. Compounding the problem, the Government seems to be leaving it to councils to address the issue. However, Councils have not been given the additional powers and resources which they would require to do so.

and councils is required and the NSW Government should take a leadership role in formulating such a response. The objective would be to create a framework within which fire risk cladding issues can be resolved promptly and effectively, with building owners receiving such technical and other assistance as may be required for that purpose.

AIR-CONDITIONER



What type of equipment is required or appropriate?

- This will primarily concern the lot owner, but the choice may impact on the building and have broader implications. In some cases, a portable unit will suffice. In other cases, something more substantial will be required, possibly requiring use and/or alteration of common property areas. In these cases, the lot owner should consult with the scheme's strata manager or strata committee before making a formal proposal.

- This will depend on the equipment, but installation of equipment in common property areas may have impact on amenity, so again the lot owner should consult with the scheme's strata manager or strata committee before making a formal proposal.

Will council approval be required?

- Installation of air conditioning equipment may be exempt development and not require development consent if certain conditions are met, including for residential premises, where the equipment.
 - Is ground mounted or wall mounted not higher than 1.8m, more than 0.45m from the boundary and does not face the primary road or for heritage properties, ground-mounted and at the rear.
 - Does not reduce the structural integrity of the building or fire resistance of a wall.
 - Is designed to operate:
 - during peak time, at a noise level not exceeding 5 dB(A) above the ambient background noise level measured at the property boundary; and
 - during off-peak time, at a noise level that is not audible in habitable rooms of adjoining residences.

This is not an exhaustive list and is not universally applicable, e.g. different rules apply for heritage, commercial and non-residential properties, so owners may need to consult with the supplier or a suitable consultant.

Will the owner's corporation approval be required?

- Normally, owner's corporation approval will be required if there is to be any alteration to or use of common property. However, there are some special cases:
 - Section 109 of the Strata Schemes Management Act 2015 ("Act") permits "cosmetic work" without owner's corporation approval but is framed in such a way that its application to air conditioning is probably limited to portable units not involving structural alterations.
 - Section 110 of the Act and Clause 28 of the Strata Schemes Management Regulation 2016 ("Regulation") permit "minor renovations" with approval of a general meeting ordinary resolution. Although "installing a reverse cycle split system air conditioner" is expressly included in the definition of

“minor renovations”, Section 110 does not apply if the work involves structural changes (e.g. alters a structural wall) or alters the external appearance of a lot (e.g. installed externally). Further, a particular unit may not be a “reverse cycle split system”.

- Otherwise, i.e. where there are structural alterations or alteration of the external appearance of a lot, Section 108 will apply and require a special resolution.

Will a by-law be required?

- When the equipment will be situated in common property areas, including airspace, a common property rights by-law will be required.

A by-law may also be required if the installation of equipment requires changes to common property, such as drilling of holes on walls for piping and fixings.

Can the owner's corporation make a blanket by-law permitting air conditioning equipment?

- Yes, but this requires a special resolution and the written consent of the relevant owners. This can be a good opportunity to establish permitted equipment and siting and to allocate maintenance responsibility. However, obtaining the written consent from each owner is usually impracticable.

Can the owner's corporation make a blanket by-law permitting air conditioning equipment to owners, regardless of who installed it?

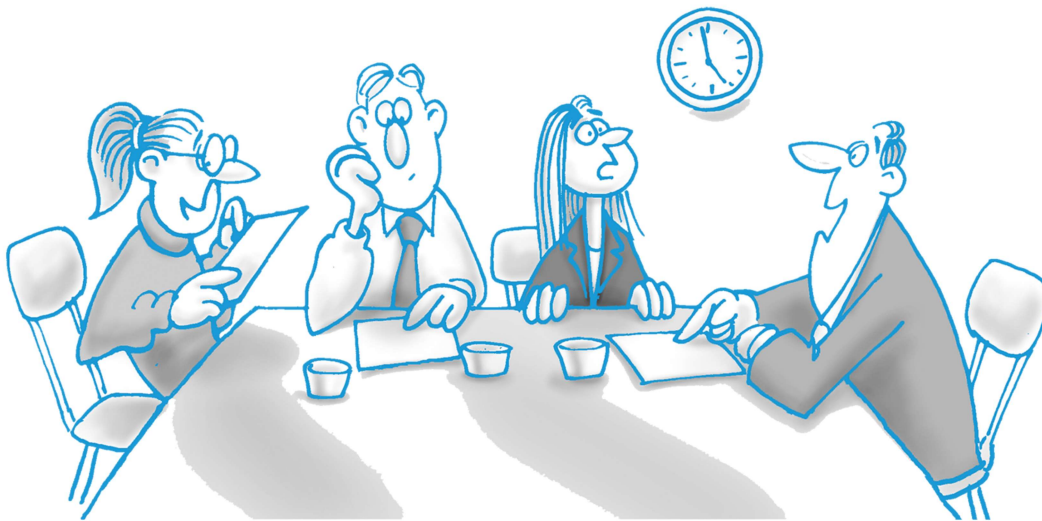
- Yes, but this also requires a special resolution and the written consent of the relevant owners.

Who will be responsible for the maintenance of the equipment?

- Generally, this will be the owner of the equipment, which will generally be the owner's corporation for ducted systems forming part of common property and the lot owner for standalone systems, unless:
 - the owners corporation has adopted the common property memorandum (“Memorandum”) prescribed by Clause 27 of the Regulation which provides that the owners corporation is responsible for air conditioning systems serving more than one lot and that a lot owner is responsible for an air conditioning system, whether inside or outside of the lot, which serves only that lot; or
 - there is a common property rights by-law providing otherwise.

What can I do if approval for works and/or a by-law is refused? Owners should:

- Investigate why the request was refused, i.e. the owners corporation concerns which led to refusal and try to address those concerns. This may necessitate engagement of consultants to provide reports, e.g. an acoustic or structural engineer.
 - If the refusal is unreasonable, consider an application to the NSW Civil and Administrative Tribunal.
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STRATA COMMITTEE MEETINGS

A decision at a strata committee meeting is considered a decision of the owner's corporation. A fundamental change in the running of strata committee meetings is that the committee member must be financial to vote.

This guide sets out the framework for the committee meeting.

COVEYING A MEETING

Options to convene a strata committee meeting + the standard last motion on our committee notice is to set a date and time for the next meeting + the secretary may convene a meeting + 1/3 of committee members can request a meeting, and the meeting is to be held not later than 14 days after the request (28 days if it is a large scheme).

QUORUM

A motion on the notice of the strata committee meeting must not be considered unless there is a quorum present to consider and vote on the motion. A quorum is

present;

(b) in any other case, if not less than one-half of the persons entitled to vote on the motion are present. A person who has voted or intends to vote by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum. A member with the consent of the strata committee may appoint an owner or eligible company nominee, to act in his or her role at any meeting of the strata committee. A person can be appointed even if they are already a member of the committee. If your scheme has tenancy notices for more than half the lots in the scheme, then there should be a tenant representative. This person cannot be counted in determining the quorum.

ELIGIBILITY TO VOTE

A committee member cannot vote if the contributions for their lot have not been paid, or if they were nominated for the strata committee by an owner who has not paid the contributions for their lot.

The key is whether the owner of the lot was an un-financial at the date notice of the meeting and did not pay before the meeting.

Tenant representatives cannot vote.

DISCLOSURES OF PECUNIARY INTEREST

If you have any pecuniary interest in a motion, then the nature of the interest must be disclosed at a meeting AND the particulars are to be kept in a book for this purpose. A member with a pecuniary interest on a particular matter cannot vote on a motion relating to that matter. MOTIONS DECIDED

Motions are decided by majority and declared by the chairperson at the meeting. A motion is valid if proper notice is given and each committee member received the motion. If before the meeting, notice is given to the secretary by owners whose unit of entitlement is greater than one third, that the specified owners are opposed to the decision.

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NON-MEMBER ATTENDANCE

Owners or company nominees of a lot in the scheme may attend a strata committee meeting however they are not entitled to address the meeting unless authorised by a

MINUTES

Minutes, including all resolutions passed, must be kept and be distributed to each committee member within 7 days + each owner within 7 days (if not a large scheme) + to each of owner of a large scheme within 7 days of the request for a copy of the minutes



WOLLONGONG OFFICE NEWS

We recently bid farewell to Kellie Rickwood our Senior Strata Manager from Wollongong due to her husbands transfer with work to Sydney and her relocation to Harrington Park.

We wish Kellie the very best in her future endeavors.

We welcome Michelle Parker with a very vast experience in Property Management in the Illawarra and is being trained to be a Strata Manager.

Amelia Knott will be having a baby and will be on maternity Leave from mid-late January

Narell Whitehead due to her battles with Health issues and a long career with our firm 15 years has decided to leave the stress of Strata and concentrate on her Health.

We are looking for her replacement and Director Leo Paternoster and Sharna Boughton are managing the portfolio in the interim.

The Management of Integrity Strata David & Leo Paternoster strongly support the staff in obtaining professional qualifications which assists in being able to serve our clients in a knowledgeable and professional manner.

CONGRATULATIONS!

**AMELIA KNOTT
CAITLIN HOSKING**

**TAMARA DEVITT
CLAIRE CLARKE**

SUCCESSFULLY PASSED THEIR COURSES AND ARE LICENSED STRATA MANAGERS

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HOMESTEAD

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For more information contact the following:

Paul - 0499 988 394

Craig - 0414 505 365

Geoff - 0414 453 986

Office - 02 4283 5797

Welcome to All Trade Services Illawarra

All Trades Services Illawarra provides a maintenance management service for strata management and real estate agents from Helensburgh in the north to Ulladulla down south. All Trades Services Illawarra work with you and your clients to provide the best service, tradesmen and quality of work assuring you and your clients have a hassle-free experience while we maintain your properties.



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For more information:

Contact: 0431 147 746

Website: www.alltradesillawarra.com.au



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We are mindful of the fact that the Owners Corporations' premium is one of the major expenses for strata, however, this should not be isolated as a sole factor when considering the placement of cover with an insurer. The importance of having claims paid when most needed; i.e. the speed at which a claim is assessed and approved; the policy wording to accompany a claim, are additional factors that must be taken into account during the broking process.



Loz Electrical is licenced and insured to carry out Electrical, Security & Air Conditioning work, servicing areas from South Sydney to Huskisson. Our diversity in the industry allows us to be your one-stop-shop.

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Phone: 0414794753
Email: peter@lozelectrical.com.au

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LOZ ELECTRICAL

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- TV
- Air Conditioning
- Security Alarms
- CCTV
- Intercom Systems (House and Apartments)

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