

Approval for Retrofits

What Approvals Do I Need?

When implementing sustainable retrofits, you may need to obtain various approvals depending on whether you are an owner or renter, whether the retrofits affect common property, and what type of retrofits you are implementing.

To understand the level of approval you will need for your planned retrofits, you need to figure out whether your retrofits involve or affect common property. Common property is part of the land or building in the strata scheme that does not form a part of any lot, or is outside the airspace of a lot (e.g. external walls, external windows, balconies landscaped gardens, corridors or driveways). Everything inside a unit or lot is the responsibility of the owner (e.g. internal walls, carpet, paint, tiles, fixtures). Common property is collectively owned by all owners of the building - the owners corporation. Any proposed renovation which affects the common property must be considered and approved at a general meeting.

If you are not sure if the project will affect common property, you should look at the registered plan of the strata scheme and talk to your strata manager. The strata plan defines the boundaries between common property and the lots in a strata scheme. More information about the strata plan can be obtained from your state or territory land titles office. In NSW this is [NSW Land Registry Services](#).

Even if you are sure that you don't require approval from the owners corporation, if you are a renter it is best to check with your landlord first and if you are an owner it is a good idea to discuss any project with the strata manager or the strata committee. If you make changes to your lot or to common property and you don't have the necessary approvals first then you will have to cover the costs of putting the property back to its original state.

The NSW Government has allocated types of work into three categories based on their required approval process.

- **Cosmetic** - such as changing hooks, adding railings or painting walls.
- **Minor** - such as renovating a kitchen or changing internal walls.
- **Major** – such as waterproofing, structural changes or changes that affect common property.

Cosmetic

For cosmetic work on your lot, you generally do not need approval from the owners corporation if you are the owner. However, you should also check the by-laws of your strata scheme before proceeding with the project.

If you are a renter, you will need written approval from your landlord before making any kind of alteration to the property.

Minor

Minor renovations require a general resolution being passed at a general meeting of the owners corporation. A general resolution is achieved when over half of the owners present at the meeting vote in favour of the changes.

Major

For major retrofits affecting common property, the owners corporation needs to decide and the approval will require a special resolution. In order for a special resolution to be passed, no more than 25% of owners present at the meeting must vote against. As part of the approval, a by-law could be adopted making the lot owner responsible for maintenance and upkeep. The owner must give the owners corporation written notice at least two weeks before the work starts.

Please note that you may also require council approval for your project.

By-laws that Affect Retrofits

Even if your retrofits do not require formal approval, by-laws can affect the changes you want to make. Check your by-laws thoroughly before you make any changes, and if possible, check with your strata and building manager for any potential areas of concern. If your planned retrofits are in breach of a by-law, consider what other retrofits you might be able to implement that will not be in breach, or you can consider putting through a motion to the owners corporation to amend or remove a by-law.

Below are some examples of by-laws that might affect retrofits or renovations, taken from the NSW Government's model by-laws.

The example by-laws should be considered, as the process of undertaking the work or the finished product might cause damage to common property, obstructions, noise or change the appearance of the lot. Your scheme's by-laws may vary, and there may be additional by-laws that could affect your plans.

Example By-laws that Might Affect Renovations and Retrofits:

3 Damage to lawns and plants on common property

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

4 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis.

6 Noise

An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

12 Appearance of lot

- (1) The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any clothing, towel, bedding or other article of a similar type in accordance with by-law 14.

15 Disposal of waste—bins for individual lots [for an example by-law where bins are shared among lots, see [NSW model by-laws](#)]

- (1) An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.
- (2) An owner or occupier of a lot must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).
- (3) An owner or occupier must:
 - (a) comply with all reasonable directions given by the owners corporation as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property, and
 - (b) comply with the local council's guidelines for the storage, handling, collection and disposal of waste.
- (4) An owner or occupier of a lot must maintain bins for waste within the lot, or on any part of the common property that is authorised by the owners corporation, in clean and dry condition and appropriately covered.
- (5) An owner or occupier of a lot must not place any thing in the bins of the owner or occupier of any other lot except with the permission of that owner or occupier.
- (6) An owner or occupier of a lot must place the bins within an area designated for collection by the owners corporation not more than 12 hours before the time at which waste is normally collected and, when the waste has been collected, must promptly return the bins to the lot or other area authorised for the bins.
- (7) An owner or occupier of a lot must notify the local council of any loss of, or damage to, bins provided by the local council for waste.

- (8) The owners corporation may give directions for the purposes of this by-law by posting signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements or giving notices in writing to owners or occupiers of lots.
- (9) In this by-law:

bin includes any receptacle for waste.

waste includes garbage and recyclable material.

Additional Resources:

- [Renovations, NSW Fair Trading](#)
- [What Do I Own or Rent, Green Strata](#)
- [What is Common Property, Land Registry Services](#)
- [Changes to Strata Management Laws and Home Modifications, City Futures Blog](#)
- [Common Property and the Lot, NSW Fair Trading](#)
- [Where Can I Find the By Laws? Land Registry Services](#)
- [Model By-laws, NSW Legislation](#)



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Research supported under the Australian Research Council's Future Fellowship funding scheme [FT130100511]