

**THE WATERTOWER – STRATA PLAN 22906**  
**Renovations and Air-Conditioning Installation applications –**  
**legislation & regulations, rules, policies, conditions, and procedures**

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**BUILDING WORKS AND RENOVATIONS.....**

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**Lot owners' renovations are regulated by FOUR (4) levels of governance:**

1. **Legislation:** Strata Schemes Management Act 2015 (NSW);
2. **Regulations:** Strata Schemes Management Regulation 2016 (NSW);
3. **By-Laws:** Owners Corporation By-Laws; and
4. **Policies:** Owners Corporation Renovation Works rules, policies, conditions and procedures.

**Know the Legislation, Regulations, By-laws, Rules, Policies and Procedures**

Lot Owners are required to familiarise themselves with these provisions prior to commencing any renovation works or installing an air-conditioner.

### **1. Legislation Strata Schemes Management Act 2015**

#### **1.1. Section 109: Carrying out Cosmetic Work by owners**

1. The owner of a lot in a strata scheme may carry out cosmetic work to common property in connection with the owner's lot without the approval of the owners corporation.
2. "Cosmetic work" includes but 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, *(but not floating timber floors or other materials)*
  - (f) installing or replacing built-in wardrobes,
  - (g) installing or replacing internal blinds and curtains,
  - (h) any other work prescribed by the regulations for the purposes of this subsection.
3. An owner of a lot must ensure that:
  - (a) any damage caused to any part of the common property by the carrying out of cosmetic work by or on behalf of the owner is repaired, and
  - (b) the cosmetic work and any repairs are carried out in a competent and proper manner.
4. The by-laws of a strata scheme may specify additional work that is to be cosmetic work for the purposes of this section.
5. This section does not apply to the following work:
  - (a) work that consists of minor renovations for the purposes of section 110,
  - (b) work involving structural changes,
  - (c) work that changes the external appearance of a lot, including the installation of an external access ramp,
  - (d) work that detrimentally affects the safety of a lot or common property, including fire safety systems,
  - (e) work involving waterproofing or the plumbing or exhaust system of a building in a strata scheme,
  - (f) work involving reconfiguring walls,
  - (g) work for which consent or another approval is required under any other Act,
  - (h) any other work prescribed by the regulations for the purposes of this subsection.
6. Section 108 does not apply to cosmetic work carried out in accordance with this section.

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### 1.2. Section 110: Carrying out Minor Renovations

1. The owner of a lot in a strata scheme may carry out work for the purposes of minor renovations to common property in connection with the owner's lot with the approval of the owners corporation given by resolution at a general meeting (*refer By-Law 14*). A special resolution authorising the work is not required.
2. The approval may be subject to reasonable conditions imposed by the owners corporation and cannot be unreasonably withheld by the owners corporation.
3. "**Minor renovations**" include but are not limited to work for the purposes of the following:
  - (a) renovating a kitchen,
  - (b) changing recessed light fittings,
  - (c) installing or replacing wood or other hard floors,
  - (d) installing or replacing wiring or cabling or power or access points,
  - (e) work involving reconfiguring walls,
  - (f) any other work prescribed by the regulations (see regulation 28 below) for the purposes of this subsection.
4. Before obtaining the approval of the owners corporation, an owner of a lot must give written notice of proposed minor renovations to the owners corporation, including the following:
  - (a) details of the work, including copies of any plans,
  - (b) duration and times of the work,
  - (c) details of the persons carrying out the work, including qualifications to carry out the work,
  - (d) arrangements to manage any resulting rubbish or debris.
5. An owner of a lot must ensure that:
  - (a) any damage caused to any part of the common property by the carrying out of minor renovations by or on behalf of the owner is repaired, and
  - (b) the minor renovations and any repairs are carried out in a competent and proper manner.
6. The by-laws of a strata scheme may provide for the following:
  - (a) additional work that is to be a minor renovation for the purposes of this section, (*as detailed in By-Law 14*)
  - (b) permitting the owners corporation to delegate its functions under this section to the strata committee (*as per By-Law 14*).
7. This section does not apply to the following work:
  - (a) work that consists of cosmetic work for the purposes of section 109,
  - (b) work involving structural changes, (*exempt - refer By-Law 14*)
  - (c) work that changes the external appearance of a lot, including the installation of an external access ramp,
  - (d) work involving waterproofing, (*exempt - refer By-Law 14*)
  - (e) work for which consent or another approval is required under any other Act,
  - (f) work that is authorised by a by-law made under this Part or a common property rights by-law,
  - (g) any other work prescribed by the regulations for the purposes of this subsection.
8. Section 108 does not apply to minor renovations carried out in accordance with this section.

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## **2. Regulation 28: Minor renovations by owners**

Work for the following purposes is prescribed as minor renovations for the purposes of section 110 (3) of the Act:

- (a) removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- (b) installing a rainwater tank,
- (c) installing a clothesline,
- (d) installing a reverse cycle split system air conditioner,
- (e) installing double or triple glazed windows,
- (f) installing a heat pump,
- (g) installing ceiling insulation.

## **3. By-Laws:**

### **3.1. By-Law 14: Carrying out Cosmetic Work or Minor Renovations – additional provisions**

- 1. Pursuant to s109 (Carrying out Cosmetic works)
  - (a) Lot owners must comply with the Owners Corporation's *Renovation Works rules, policies, conditions and procedures*, as published and shown below.
- 2. Pursuant to s110 (Minor Renovations by Owners)
  - (a) Owners Corporation approval to proceed is required and the proposed works must comply with the Owners Corporation's *Renovation Works rules, policies, conditions and procedures*, as published and shown below.
  - (b) Additional work that is to be a minor renovation for this section shall include:
    - i. Internal waterproofing within an owner's lot.
    - ii. Internal sound proofing within an owner's lot.
    - iii. Replacement of or re-configuration of ceilings and mezzanine floors within an owner's lot, subject to:
      - a. no detrimental impact to the structural integrity of the lot or adjoining lots or common property, and
      - b. compliance with relocation and/or installation requirements of automatic fire system sprinklers
    - iv. Replacement of or reconfiguring of services including plumbing within an owner's lot, subject to no detrimental impact to the safety or services to adjoining lots or common property.
  - (c) The Owners Corporation delegates its functions under this section to the Strata Committee.

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#### **4. Renovation Works rules, policies, conditions and procedures**

##### **4.1. Procedure Prior to Commencement of “Minor Renovations”**

Prior to commencing any “minor renovations” or installing an air-conditioner the Owners Corporation must be informed in writing providing details that can be considered by the Strata Committee as part of the approval to proceed process.

- (a) An application with a proposal must be received from a lot owner/applicant by the Owners Corporation for consideration at a date that allows at least (21 days) for it to be circulated to the Strata Committee for review, prior to any intended work commencing.
- (b) The proposed work will be discussed and considered at a Strata Committee meeting (or by email circulation).
- (c) Alterations or additions (e.g. air-conditioning) to apartments, which affect any common property, including dividing walls, bathrooms, or roof, must be formally approved by the Owners Corporation’s Strata Committee. The site may also need to be inspected by a member of the Strata Committee before the commencement date.
- (d) It is incumbent on the lot owner/applicant to ensure that all trades people:
  - i. are duly licensed, hold adequate public liability insurance and if working at heights on the roof, are certified to do so and will be using certified harness equipment for attachment to the Watertower’s Industrial Rope Access and Fall Arrest (anchors) system, in accordance with regulatory Work Health and Safety requirements.
  - ii. comply with all relevant regulatory building codes and industry standards in undertaking the works.
- (e) Lot owners or lot owner nominated representatives/project managers must be available during the course of the project works to respond and remedy immediately any issues or complaints arising.
- (f) Lot owners or lot owner nominated representatives/project managers must supervise trades people when moving building and other materials through or over common areas of the building.
- (g) As prescribed by the legislation, the cost of repairs to common property for damage caused by such works will be charged to the lot owner who has contracted the works.
- (h) A “minor renovation” request should be made by completing and submitting a **Renovation Notification of Works** form along with the specifications and required supporting documentation outlined in this policy.
- (i) Written (or email) approval to proceed from the Strata Committee/Secretary must be received prior commencement of such works.

##### **4.2. Specific renovation items**

###### **4.2.1. Air-Conditioning**

Conditions for installation of split air-conditioning systems in apartments:

- (a) A diagram of the installation is required showing where the internal and external units are proposed to be mounted and the position of the various cables, ducting and condensation piping. This is particularly relevant where cabling/ducting is traversing the roof or common walls;
- (b) The location of the units must not be near or above the roof of another apartment nor attached

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- to an adjoining/party wall to another unit. This is to ensure any noise emission or vibration from both the internal and external units do not disturb nearby residents at any time;
- (c) Adequate water/condensation drainage pumps must be provided for the external units **for both** heating and cooling cycles;
  - (d) The attachment of external units to common property must not impede egress or access to common or privately-owned areas. External units to be mounted on the roof must comply as follows:
    - i. Straddling the roof valley is not permitted – external units and cabling must be kept clear of these areas – for clarity, check with the Building Manager. (These areas provide an access path for contractors maintaining the Owners Corporation’s roof, skylights and solar panels);
    - ii. Stainless steel (or equivalent rust proof) metal brackets/supports must be used;
    - iii. Stainless steel (or equivalent rust proof) and watertight sealed metal screws must be used in attaching to the roof;
    - iv. High quality and suitable metal roof flashings must be used to ensure that the housing of cables and pipes through the roof are watertight;
    - v. Safety insulation and appropriate separation of electrical and other pipes and cables ducted through to the external roof must comply with the Australian Building codes;
    - vi. Installation of a weatherproof safety isolation switch must be mounted near outdoor units.
  - (e) As prescribed by the legislation, costs associated with any future repairs required or modification to common property as result of the installation of the split systems must be borne by the current lot owner;
  - (f) Approval to proceed is subject to the lot owner/applicant agreeing to pay the cost for the Owners Corporation to engage an independent assessor to inspect and report on compliance and certification of the installation in accordance with the building and safety codes and the conditions set out in this policy, after installation;
  - (g) Proposals with the renovation request and supporting documentation demonstrating that these conditions will be met, must be submitted at least 21 days before any intended commencement date, for the Strata Committee to consider at the next convenient opportunity (either at the next scheduled Strata Committee meeting or by email circulation);
  - (h) After approval to proceed, the lot owner/applicant or appointed lot owner representative/project manager must give notice to the Secretary/Building Manager at least 5 working days ahead of the proposed work start date to allow sufficient time to: (i) facilitate notification to other residents impacted by such work and (ii) allow management of any coinciding planned activities;
  - (i) Work may not commence until written (or email) approval to proceed has been given by the Strata Committee/Secretary.

### **4.2.2. Ducted cabling or piping (including but not limited to air conditioning)**

- (a) Ducted cabling or piping through walls requires a diagram showing what walls will be affected including any impact to the Owners Corporation’s TV, intercom, telephone/internet infrastructure.

### **4.2.3. Ceilings or cornice**

- (a) Details of proposed changes to ceiling and cornice materials and methods of attachments are required.

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#### 4.2.4. Walls

- (a) Where there is a change of an internal structural wall (removal of or the opening of a section) a certified structural engineers report must be produced including a descriptive diagram stating what materials are to be used.
- (b) External walls of an apartment are common property and as such cannot be modified by a lot owner unless approved by special resolution at a general meeting of all lot owners.

#### 4.2.5. Floors or floor coverings

- (a) A lot owner/applicant must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the lot owner or occupier of another lot. However, it does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom. It does apply to mezzanine floors and stairs.
- (b) The building's floors vary considerably, and Lot owners should be aware that:
  - i. The removal of any existing floor covering and the replacement of it-could significantly change the noise environment in surrounding lots, thereby interfering with the peaceful enjoyment of the owner or occupier of another Lot (By-Law 7.1).
  - ii. Unless otherwise approved by the Strata Committee, they are required to verify any sound insulation specifications with their architect/builder and employ the services of an acoustic consultant to ensure the proposed changes provide acceptable noise insulation. Such tests need to include all adjoining lots to the work being conducted (i.e. neighbours on both sides and underneath). *(For an acoustic consultant who is part of the Association of Australian Acoustical Consultants (AAAC) visit [www.aaac.org.au](http://www.aaac.org.au)).*
  - iii. They must provide at the time of notification and seeking approval to proceed:
    - o an acoustic consultant test and-advice on steps to be taken to ensure that the flooring will adequately provide acceptable noise insulation.
  - iv. They must provide at the completion of installation:
    - o a follow up test from a member of AAAC of the installation post works for comparison. This may be relevant in support of any claim against the lot owner or occupier for future rectification of flooring to eliminate noise.
  - v. Any disputes in relation to noise caused by installation of new flooring is solely a matter between individual lot owners or occupiers.
  - vi. In the event of any disputes, resultant rectification of any soundproofing or flooring installation, is not the responsibility of the Owners Corporation.

#### 4.2.6. Windows or window coverings

- (a) A diagram will be required with information on the product where there is a proposal to change/modify windows (e.g. tinting, double glazing, etc.)

#### 4.2.7. Entry or security doors

- (a) Timber front doors are the property of the Owners Corporation and must not be changed or altered except in circumstances of damage or failure, in which case the Owners Corporation should be informed for rectification.
- (b) External security grills on doors and windows are the responsibility of lot owners. Any proposed installation must comply with the standard material, colours and styles stipulated by the Owners Corporation.

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### 4.2.8. Plumbing/Bathrooms/Hot Water Meters

- (a) Lot owners are required to submit a diagram when changing any pipework/plumbing
- (b) Waterproofing requirements:
  - i. All floor/wet areas and up the adjoining walls to 0.5 metres above floor level.
  - ii. All shower and bath wall areas to above the level of where any taps or shower roses protrude.
  - iii. Use of a high grade low volatile organic compound (VOC) waterproofing product that is long lasting and capable of supporting substrata and wall cracks due to building movement.
  - iv. The Owners Corporation will consider reimbursement to the lot owner a reasonable amount towards the cost of the waterproofing product and its application subject to:
    - Renovation of an original bathroom/wet area
    - Work being completed by a licensed tradesperson
    - A written guarantee of the product being provided by the manufacturer
    - A nominated Strata Committee member has inspected the application of this waterproofing before the placement of tiles, etc.
- (c) Hot Water Meters: Internally located hot water usage meters MUST be positioned to allow:
  - i. suitable access for maintenance or replacement, and
  - ii. easy access to enable the meter to be read.

### 4.2.9. Moving or relocating automatic fire system sprinklers

- (a) Lot owners must engage the Owners Corporation's current fire compliance provider to ascertain what (if any) fire sprinklers need to be installed or relocated, where internal apartment walls, mezzanines, built in wardrobes and storage areas are being re-configured, to ensure compliance with the NSW Environmental Planning & Assessment Regulations (2000) and the Australian standards and building codes.
- (b) All work must be undertaken and certified by the nominated Owners Corporation's fire compliance provider.
- (c) All associated costs and fees for these works, are at the lot owners expense.

### 4.3. During "Cosmetic Work" or "Minor Renovations"

A lot owner or lot owners representative/project manager is required to adhere to the following guidelines:

#### 4.3.1. Commence and Finishing hours

- (a) Building works are only permitted during the following hours:
  - Monday to Friday - 7.30 am to 6 pm
  - Saturday - 8 am to 5 pm
  - Sundays & Public Holidays not allowed
- (b) Building contractors are not permitted in The Watertower outside the above hours.

#### 4.3.2. Contractor Parking

- (a) Contractors must not stand or park any Vehicle on Common Property except with the prior approval of a Strata Committee member or the Building Manager.

#### 4.3.3. Notification of Works to Neighbours

- (a) Advise surrounding neighbours (above and below levels, and adjacent) well advance, about any works and renovations and timing. It is the lot owner (or the lot owner's nominated delegate) obligation to ensure that other residents are regularly kept informed about likely disturbance during renovation works, especially in relation to use of power tools.



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### 4.3.4. Rubbish/building material removal

- (a) The lot owner or occupier must arrange for the daily removal of all waste associated building works and must not leave any waste in the Common Property, including the garbage room.
- (b) It is the lot owner or the lot owners representative/project manager's responsibility to remove the rubbish without causing inconvenience to other residents or damaging common property.
- (c) Trolleys provided by the Watertower are strictly for residents use in carting groceries and parcels from car parks to apartments. Trades persons and lot owners are required to provide their own trolleys for building materials.
- (d) Trades persons and lot owners must make special arrangements for any building materials to be removed from the building, e.g. by hiring a mini skip. (*Skips may sit temporarily near the garbage room on Cornwallis Street sidewalk.*). It is illegal to discard building material in the garbage room.
- (e) A lot owner's car space may be used to store rubbish temporarily, subject to advising the Building Manager.

### 4.3.5. Cleaning

- (a) Common areas including the lift car must be cleaned of any dirt or debris each day during the period of renovation. (*This is not the responsibility of the Watertower's cleaning staff.*)

### 4.3.6. Trades people deliveries and collections

- (a) The main foyer is not to be used for bringing in or removing materials (including carpet deliveries). Use the lift from the basement car park with access via Cornwallis Street or Rosehill Street. (*Refer to Moving in/out of The Watertower policy for procedures.*)

### 4.3.7. Fire Sprinklers and Alarms

- (a) Dust from renovations is likely to set off a nearby smoke detection fire alarm in the Common area.
- (b) The Owners Corporation is charged for each false alarm call out caused by renovation works. The call out costs are substantial, and the lot owner is liable for these charges.
- (c) Precautions must be made to stop the alarms being impacted by the dust including keeping the doors of the apartment closed whilst "dusty work" is being performed. The alarms outside the apartment may be covered for short periods of time to stop the false alarm however these covers must be removed each day to ensure the fire system maintains its integrity.