

# Renovations – Do I Need a By-Law?



Many owners may be tempted to “keep it simple” when renovating their apartment and not request approval from the owners corporation, or a by-law. Strata committees may take a similar view, wishing to minimise the number of general meetings and the number of motions at those general meetings. However, this is a bad idea, for both lot owners and owners corporations.

Some things to consider:

- Renovations will frequently involve alteration of some common property requiring owners corporation approval under provisions of the Strata Schemes Management Act 2015. Often a by-law is also required, but not always.
- With the reform of the strata laws on 30 November 2016, approval for some classes of works is now simpler, and a broad range of minor cosmetic works do not even require any approval. However, as a result there are now more categories of works, and working out whether you require approval (and if so, what approval) and whether you require a by-law has become more complex. These classes of works include:
  1. Cosmetic work that can be carried out without seeking approval;
  2. Minor renovations that require approval by ordinary resolution at a general meeting;
  3. Works to be performed under a ‘property rights by-law’. These will require approval by special resolution at a general meeting, and then registration of the approved by-law; and
  4. Other types of works altering common property that do not fall into the above 3 categories. These require approval by special resolution at a general meeting and may also require a by-law.

This service will help you to work out whether you require any approval, and if so, what approval, and also whether you need a by-law. In most cases it will then prepare for you all required documentation to request approval, and if applicable, the by-law.

- Preparing an appropriate motion and by-law by this service is generally a quick, easy and inexpensive exercise, and provides you with well drafted balanced ones that are likely to be acceptable to both the owners corporation and you. In most cases you will receive your

documents immediately, making the process much simpler and faster than briefing a lawyer in the more usual way.

- As a lot owner you benefit from a by-law. Without one, you may not be able to retain or have exclusive use of the works (depending upon the nature of the works), and registration of a by-law will make the lot more attractive to a buyer. Without one, in the worst case scenario the owners corporation may take action to have the works removed.

The owners corporation benefits from a by-law, as a by-law can create clear and transferrable rights and obligations and can allocate maintenance obligations in relation to the works. They are therefore also attractive to the owners corporation.

**Prepared by Bannermans Lawyers**  
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T: (02) 9929 0226      M: 0403 738 996      ABN: 61 649 876 437  
E: [dbannerman@bannermans.com.au](mailto:dbannerman@bannermans.com.au)      W: [www.bannermans.com.au](http://www.bannermans.com.au)  
P: PO Box 514      NORTH SYDNEY NSW 2059      AUSTRALIA