

STRATA COMMUNITY LIVING

The hub for strata information



Winter 2025



NSW Fair Trading Release their Strata Building Repairs Health Check

As part of the NSW Government's push to improve owner understanding of strata living, NSW Fair Trading this week launched its Strata Building Health Check campaign.

The NSW Fair Trading campaign provides practical information, including a [Strata Building Health Check step-by-step guide](#), to upskill owners and ensure they understand their responsibilities and the implications when repairs and maintenance are lacking.

[Take me to the Strata Building Repairs Health Check.](#)

“NSW Fair Trading is encouraging Strata Managers to share the Health Check with the strata schemes their managing.

The Health Check gets Strata Owners Corporations to focus on 6 key areas:

- Reporting Repairs
 - Owner/Resident's understanding of reporting Repairs and Maintenance.
- Planning Ahead
 - Are Repairs and Maintenance regularly discussed at meetings?
- Keeping Plans Current
 - Reviewing the Capital Works Fund Plan.
- Fund Repairs and Maintenance
 - Is there enough money in the Capital Works Fund?

- Getting Expert Help
 - Are you hiring licensed professional to repair and maintain your property?
- Insurance Cover
 - Ensuring up-to-date insurance valuations.

For Strata Managers:

NSW Fair Trading is encouraging Strata Managers to share the Health Check with the strata schemes their managing.

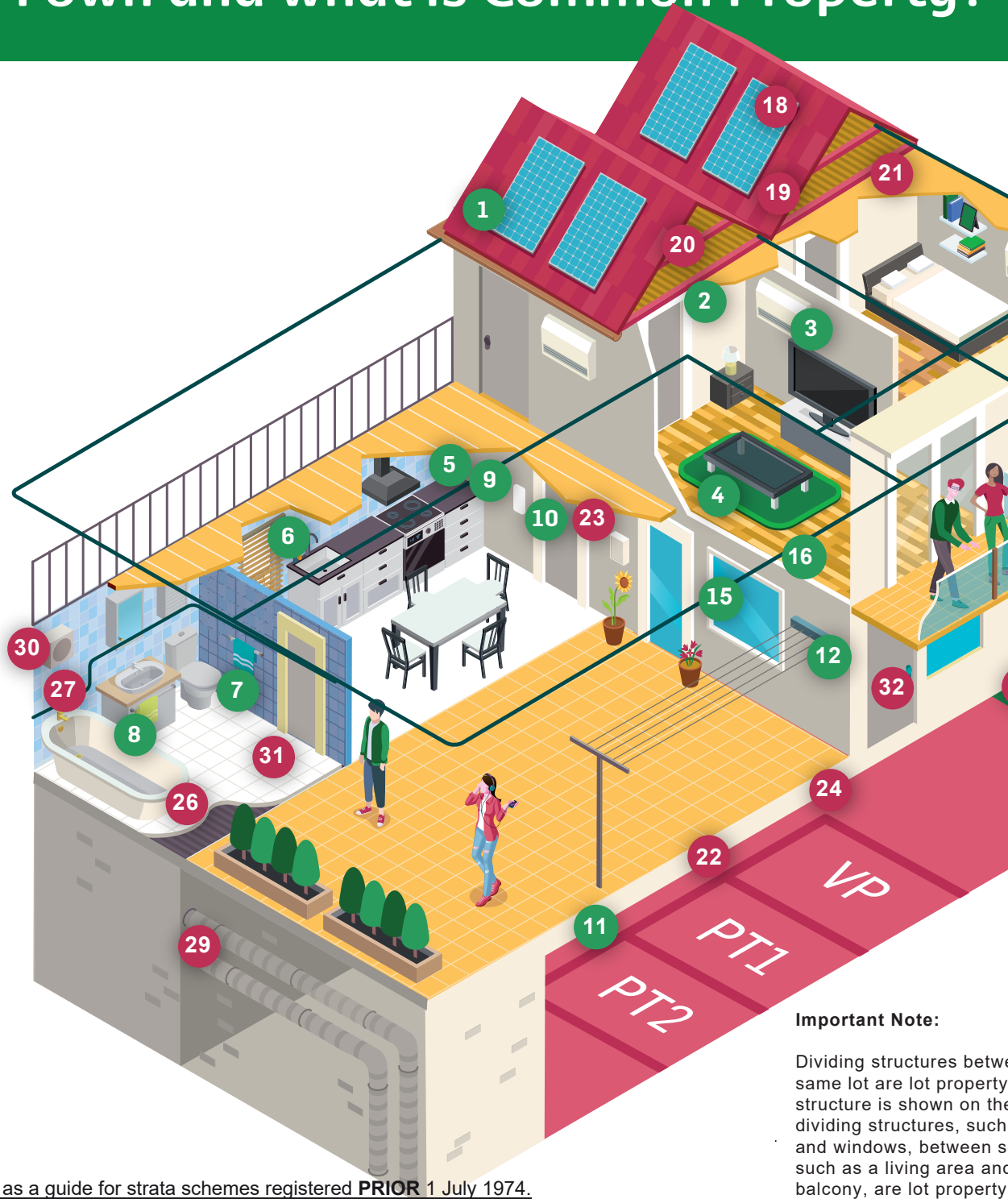
When sharing the campaign link with strata communities, strata managing agents may also wish to do the following:

- Clarify the process for raising common property repair and maintenance requests.
- Remind owners of the need to raise strata repairs and maintenance requests in a timely way, when they become aware of these.
- Refer owners to their scheme's 10-year capital works fund plan and strata correspondence for details about repairs being undertaken and planned for future years.





What do I own and what is Common Property?



Important Note:

Dividing structures between same lot are lot property. Structure is shown on the dividing structures, such as a living area and balcony, are lot property.

PLEASE NOTE:

- This diagram is provided as a guide for strata schemes registered **PRIOR** 1 July 1974.
- To a limited extent, notations on the strata plan can modify the general position, as can any by-laws, alterations, additions or removal of common property put in place after the registration of the plan.



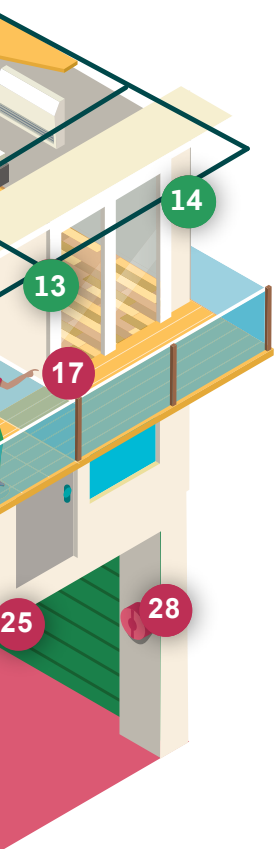
LOT PROPERTY

1. Solar panels installed by lot owner with approval
2. Internal walls
3. Split system air conditioning internal unit and external unit, with approval
4. Carpet
5. Kitchen cupboards and appliances
6. Curtains, blinds
7. Tiles and waterproof membranes on internal walls (not shown on strata plan)
8. Bath, basin, toilet and plumbing above upper surface of the floor
9. Light fittings, light switches, powerpoints
10. Internal doors (not shown on strata plan)
11. Lot car parking spaces, above surface
12. External walls (separating parts of the same lot)
13. Balcony doors (separating parts of the same lot)
14. Upper and lower boundary of balconies, as shown on strata plan (separating parts of the same lot)
15. External windows (separating parts of the same lot)
16. Slab and stairs dividing two levels of the same lot

COMMON PROPERTY

17. External balustrades (dividing structure between lot and common property)
18. Common property solar panels
19. Roof tiling
20. Voids enclosing shared plumbing and wires
21. Ceiling
22. Slab (dividing structure between lot and common property)
23. Wiring outside premises or shared wiring with other lots
24. Visitor car parking spaces
25. Original common storage cages
26. Original waterproofing below floor tiles
27. Tiles and waterproofing membrane on the boundary walls
28. Fire alarms
29. Plumbing outside premises or shared plumbing with other lots
30. Penetrations for ventilation
31. Original floor tiles, including floor tiles in shower
32. External doors separating lot and common property

Liability limited by a scheme approved under Professional Standards Legislation.



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as walls, floors, doors
separate parts of a lot,
d separate courtyard or



Do Window and Door replacement projects fall under the Design and Building Practitioners Act 2020 (NSW)?

The short answer? No. In most cases, it is excluded if the works are exempt development works¹. But let's break it down, covering key services like painting, general upkeep, window cleaning and anchor point certification.

When are window replacements excluded from the DBP Act?

Under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP), replacing windows is considered exempt development when it meets the following conditions:

- The building is NOT in a heritage conservation area.
- There are NO structural changes (like modifying opening sizes or load-bearing elements).
- The building has a valid Annual Fire Safety Statement (where applicable).
- The replacement complies with the National Construction Code (NCC) and all relevant Australian Standards.
- The works do not affect fire safety measures within the building.

What does this mean for you?

If window and door replacements are exempt development, there is no requirement to lodge designs and compliance declarations in the NSW Planning Portal—streamlining the process and reducing costs².

What about balcony doors?

Whilst balcony door replacements may also be exempt development³, in some cases, waterproofing may be required, this is usually depending on the substrate below the door. If waterproofing is necessary, the work will fall under the DBP Act and require regulated designs and compliance declarations which will likely need to incorporate the door system into the design.

We have had many conversations within the strata community to address some of the misconceptions around the impacts of the Design

and Building Practitioners Act 2020 on window and door replacement projects.

At Windowline, we understand that navigating compliance requirements for your remedial building works can be complex. We are committed to staying on top of all legislative requirements, providing clarity and guidance among the industry and to our customers.

Windowline is here to guide you through this process, ensuring your project meets all compliance requirements. We can put you in touch with planning consultants if necessary to obtain specialist planning advice and liaise with registered design practitioners on your behalf and obtain the necessary regulated designs and certifications.

As registered building practitioners in class 2 buildings, Windowline is also qualified to undertake these building works as required. If you have any questions around changes to remedial projects and the steps to ensure project compliance, get in touch with our team.

¹ Subject to all conditions being met as to the works being classified as 'exempt development' works.

² If the window and door replacements are not exempt development works, ie the works do not meet all conditions to qualify as 'exempt development', a development application or complying development certificate will be required and regulated designs and declarations will need to be prepared.

³ Similar conditions apply to the replacement of balcony doors as for windows [see¹] This information sheet has been prepared with legal advice with the following disclaimer: Each and every project and site is different and may have different compliance requirements. Independent advice should be obtained in respect of your building and your site before undertaking building works to ensure that the standard provisions apply and are not impacted by some other circumstance, for example, heritage, fire, asbestos

WINDOWLINE



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window & door needs



- ✓ Consultation advice
- ✓ Registered building practitioners
- ✓ Working with design practitioners
for DBPA compliant solutions

windowline.com.au



Owners Corporation can Provide for Cost Recovery within By-Laws

Gokani-Robins Pty Ltd v The Owners - Strata Plan No 77109 [2025] NSWCATAP 107

In a significant decision for NSW strata law, the NSW Appeals Panel has upheld the ability of strata schemes to have cost recovery clauses within a by-law

This case confirmed that a cost recovery clause in a by-law is valid and enforceable for legitimate purposes so long as it has been reasonably and appropriately drafted.

What the Fire Safety By-Law Required

The dispute involved a fire safety by-law that provided for the following:

- imposed a number of restrictions and obligations on owners and occupiers,
- provided for owners and occupiers to indemnify the owners corporation for any claims, charges, and costs arising from false fire alarms caused by negligence/omission of the owner/occupier in relation to false fire alarms, the failure to give access, or the breach of the by-law;
- provided for the right of recovery in a Court or Tribunal of competent jurisdiction;
- a default provision, including the ability of the owners corporation to remedy the default.

The Legal Challenge

The property owners argued that multiple sections of the by-law were harsh, unconscionable, and/or oppressive. Their challenge came after the owners corporation had commenced legal action in the Local Court to recover false fire alarm charges under the by-law.

The Tribunal in the first instance decision found the following were not harsh, unconscionable, or oppressive or otherwise invalid:

- Restrictions on lot owners doing something that interferes with fire safety services;
- The owners corporation being able to give notice before entering a lot to inspect, test, repair, or replace the fire safety services;
- Owners/occupiers indemnifying an owners corporation for costs and charges incurred because of an act, negligence, or omission;
- The owners corporation in the first instance being able to investigate and determine who is responsible for false alarms, call-outs, or services provided;
- The owners corporation being able to demand and take

action to recover payments due under the by-law;

- The owners corporation being able to require an owner/occupier to rectify a breach of the by-law and take action itself to rectify the breach.

Appeal Panel Confirms Legitimacy of Fire Safety By-Law and Costs Recovery

The owners corporation was again successful in defending against an “all grounds” appeal of the decision to the NCAT Appeals Panel. In dismissing the appeal, the Appeal Panel confirmed a number of important principles that apply when considering a challenge to a by-law, including the cost recovery portion, on the alleged basis that the by-law is harsh, unconscionable, and/or oppressive under Section 150 of the Strata Schemes Management Act 2015 (NSW). Those include the power of an owners corporation to make by-laws is not limited to or confined by what is provided for in the strata legislation or model by-laws, and that by-laws should be construed to preserve their validity where possible.

Ensuring the Validity of Cost Recovery By-Laws Through Careful Drafting

The case confirms the importance and usefulness of cost recovery by-laws in appropriate cases and where they have been properly drafted. Although the recent climate has been to consider all by-laws susceptible to being set aside, the decision demonstrates the importance of making sure by-laws are prepared carefully and in a manner suitable for the specific purpose of the strata scheme so as to ensure the by-law is valid and can withstand challenge. Boilerplate or ‘insert here’ style by-laws are often the ones that are challenged and then set aside as invalid.

Implications for NSW Strata Communities

This decision reinforces that owners corporations have broad powers to implement by-laws for building safety, even when those by-laws impose significant obligations and potential costs on owners. However, the case also demonstrates the critical importance of including appropriate safeguards and judicial oversight for cost recovery.

Written by Peter Ton, Partner, Grace Lawyers



Specialist support for strata committees

Navigating the unique world of mandatory strata insurance requires specialist knowledge of legislative requirements, the range of strata insurance policy options available and expert advocacy for claims in owners' best interests.

Specialist strata brokers have niche expertise. They'll offer to guide and support strata committees – the volunteers responsible for making informed decisions that protect the interests of all owners.

Choosing an appropriately qualified specialist broker will give a strata scheme peace of mind, knowing that its level of risk has been expertly assessed and understood.

Insurance responsibilities

The strata committee is responsible for important insurance-related tasks, including the following.

- Insuring for full replacement value – understanding all owners' joint and several liabilities.
- Recognising issues related to the site plan, property boundaries or construction (like defects, flammable cladding and asbestos).
- Understanding relevant disclosures, including past claims, rectification and/or mitigation works.

This is where you'll find partnering with a specialist strata insurance broker of great value for your strata community.

A complex, changing environment

Finding the right strata insurance choices can be difficult.

- Some insurers are declining to provide quotes for certain types of properties – those with poor claims histories, building materials deemed hazardous or 'risky', or with location-based exposures like cyclones, floods and bushfires.
- Reinsurance market costs, climatic events, building defects and cladding risks have seriously impacted insurance affordability and availability.
- Significant claims for storm / water / fire damage have led to premium increases, special policy conditions or exclusions, and higher excesses being applied in many instances.

and reduce the risk when choosing the right level of protection.

We not only represent your best interests with specialist insurers but also work closely with the strata management industry to help implement measures to mitigate premium increases and improve policy and claims outcomes.

Benefits of a broker

A specialist broker is involved in your entire insurance journey – from policy commencement and claims advocacy and management, to mid-term adjustments for policy updates and renewal.

- Stronger insurance positioning: Brokers conduct in-depth data analysis to present your property favourably to insurers, helping secure better policy conditions and minimising excesses and exclusions.
- Exclusivity. Strong insurer relationships enable brokers to access competitive and sometimes exclusive policy options not available to the general public.
- Comprehensive coverage. Regular reviews of replacement values and insured sums help maintain adequate protection as property values and requirements change.
- Efficient claims management. A complete claims management service ensures claims are professionally presented to insurers, promoting prompt and uncomplicated settlements.
- Peace of mind. Your strata scheme's unique needs are reviewed by experts, who keep you informed of significant policy or regulatory changes.
- Enhanced risk management: Identifies potential areas of risk and offers guidance on additional coverage options beyond strata insurance, such as Landlord or Contents insurance.
- Straightforward communication: Brokers provide a single point of contact for all insurance-related matters, including coordination with insurers and third-party specialists like loss adjusters.

Speak to us to find out more about how we can help you.

“An experienced and specialist strata broker, such as BCB, can help you navigate the differences between available policies



Upgrading Your CCTV and Access Control Systems: A Cost-Effective Solution

Are you finding it difficult to identify people or vehicles on your CCTV system? Do you only have a week's worth of footage available when an incident is reported at your building? Is your CCTV recorder challenging to use and slow when retrieving footage?

If you answered yes to these questions, you likely have an outdated CCTV system—perhaps an old analogue system or a first-generation Megapixel system. While these systems were impressive in their time, they no longer meet today's standards for security.

Frequently, we receive requests to repair these outdated systems because owners believe they need a complete overhaul to upgrade to a modern 5-Megapixel system with advanced search functions. Many properties spend thousands on replacing broken analogue cameras with new analogue ones when a cost-effective upgrade can improve their system's quality without the need to replace cabling or many of their existing cameras.

For as little as \$700 per camera, an old analogue CCTV system can be upgraded to a 5-Megapixel system with a new recorder, offering over twenty times the camera resolution. This is less than half the cost of a full new installation.

Even if you have a limited budget, upgrading is a straightforward process. You can enhance your CCTV recorder, replace key cameras in high-traffic areas such as lobbies and garage entrances, and connect your existing cameras to the new recorder.

While a brand-new six or eight-Megapixel CCTV system is ideal for new installations, upgrading your existing system is a reliable way to achieve the high-quality images needed for effective building management.

****Access Control: Combating Airbnb and Overcrowding Issues****

Many buildings still use old Access Control systems where residents rely on grey fobs to enter. These fobs usually have low encryption, making them easily copied, and often, it's unclear how many active fobs are still functional on the system.

Buildings frequently face issues with Airbnb short-term rentals or overcrowding and may believe that upgrading the system is prohibitively expensive or complicated.

Fortunately, enhancing your Access Control system is a straightforward task. By replacing card readers with higher encryption models and issuing new high-security fobs, you can significantly improve your building's security whilst still keeping the rest of the Access Control system.

Furthermore, upgrading to 'mobile-ready' card readers allows residents to use their mobile phones to gain access. This not only adds a layer of security but also enables you to manage access remotely, further strengthening the safety of your building for a fraction of the cost of a new system.

Please note that this is general advice and may not be applicable to your existing security system.

Quatrix Security is a leading Strata Security Company based in Sydney. With over 15 years in Strata and over 30,000 units upgraded, they have the skills and experience to service and upgrade your building.

Please contact us on info@quatrix.com.au for Project templates for your upcoming work.

Papering over the cracks

Beware of cosmetic fixes which only mask the underlying building issue. Quality-based remedial building solutions go to the crux of the problem. What should you look for?

Strata schemes are encouraged to weigh up all considerations when choosing a remedial builder. With an engineering background and 15 years' construction experience, Tim Kurniadi heads up the Tier 1 Remedial division of Paynter Dixon.

“When owners corporations are fixated on the lowest-cost remedial services, they risk falling into the same trap as the original developers and builders,” says the remedial expert. “There are no quick shortcuts to quality and compliance.”

The cycle of inferior repair work can lead to persistent building issues or escalate in ways which prove more costly in the long run.

Look beyond the aesthetics, says Tim: “Quality is often a superficial or visual judgement, such as how well the floor tile is laid – or the selection of tile.”

“A lot of remedial builders are engaged to fix aesthetic issues, such as cracks to a façade. However, the failure typically originates beneath the façade and surfaces at a later point.”

This can be a latent defect that comes to light after construction is completed, or a patent issue (i.e obvious on inspection) that is left unaddressed. In both scenarios, time compounds the problem.

“A minor leak is a waterproofing issue in the first instance. Over time the water ingress corrodes the underlying steel structure. The concrete repair has now become an expensive structural strengthening repair.”

Hence, it's prudent to understand the quality of service behind the price, says Tim.

What to look for

- Engineering underpins long-term solutions. Well-resourced builders have inhouse expertise and access to qualified engineers: structural, mechanical, electrical, fire safety, geotechnical and civil.
- Major works require full-time site supervision by a dedicated Site Manager tasked with overseeing quality and safety on site. Beware of cost-cutting proposals which offer part-time supervision by a roaming supervisor or trades person.
- Regulatory compliance aims to protect strata owners from substandard building practices. Seek Registered Building Practitioners under the Design and Building Practitioners Scheme – with demonstrable experience.
- Avoid the revolving door of contractors who cherry pick work on their terms. Long-term partners will take on small and large jobs, working collaboratively to your goals, timeline and budget

Connect with Tim Kurniadi

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STRATA COMMUNITY LIVING &

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All members of our Strata Manager Chapter are 'PROFESSIONAL Strata Managers'. SCA (NSW) strives to ensure that all strata manager members are able to deliver services to the public that are of the highest professional and ethical standard.