

Demystify Strata Series

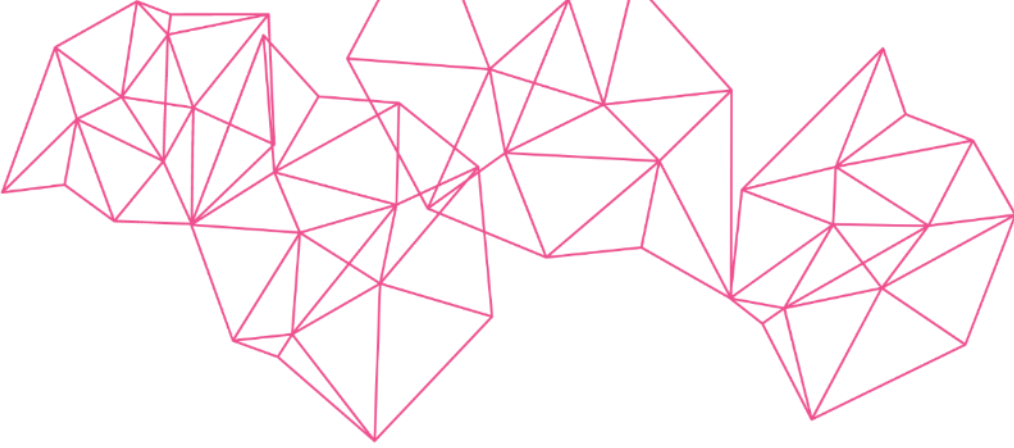


BEHIND THE STRATA REFORMS – RIGHTS, RULES & REALITIES FOR OWNERS AND COMMITTEES

7th May 2025

Liability Limited by a scheme approved under Professional Standards Legislation.





WELCOME!

In the spirit of reconciliation, Premium Strata acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.



LEANNE HABIB



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ELLY ASHLEY

NSW STRATA REFORM OVERVIEW

KEY AMENDMENTS



Accessibility
Infrastructure

Developer
Obligations



Committee
member Duties

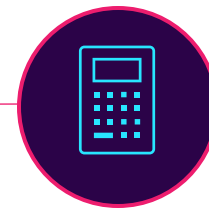
Chairperson
functions

Secretary Powers



Strata Manager
requirements

Building Manager Duties



Capital Works &
Maintenance Plans

Levies & Payment Plans



Repairs & Maintenance ³

By-laws & Renovations

Books, Records and
Embedded networks



ACCESSIBILITY INFRASTRUCTURE



New "**accessibility infrastructure**" resolution introduced

Mirrors existing "sustainability infrastructure" rules



Makes it easier to approve disability modifications to common property (**only majority approval required**)



DEVELOPER OBLIGATIONS



Developers of multi-storey buildings **must** provide **additional** documents **14 days before the First AGM.**

- ⌘ IMS has been prepared as per the prescribed form
- ⌘ Admin & CWF contributions must meet expected expenditure
- ⌘ IMS must be reviewed & certified by an independent surveyor
- ⌘ Admin & CWF estimates must be reviewed by an independent surveyor or another prescribed person before 1st AGM

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COMMITTEE MEMBER DUTIES

Members **must** :



- ▶ Act with due care, honestly, fairly, and in the OC's best interests
- ▶ Comply with the Act
- ▶ Only use or disclose information to carry out their function or as required by law
- ▶ Not behaviour in a way that unreasonably impacts a person's use of the common property or lot



Undertake mandatory training.
Failure to do so results in removal from their role.





CHAIRPERSON FUNCTIONS

Chairperson responsibilities have been expanded (beyond presiding over meetings)



Chairperson **must** now also:



- ▶ Ensure the agenda is followed
- ▶ Maintain order
- ▶ Encourage constructive, open, fair discussion
- ▶ Encourage discussion by attendees



For both
Strata Committee meetings
General Meetings

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SECRETARY (COMMISSIONER) POWERS

↗ Secretary has broad powers under Part 10A to

- ⌘ Investigate breaches of repair & maintenance duties of the Owners Corporation
- ⌘ Enter premises
- ⌘ Obtain information and record for enforcement purposes
- ⌘ Issue compliance notices
- ⌘ Enter into an undertaking in respect of repair & maintenance
- ⌘ Can approve standard agency agreements for appointing strata agents & building managers





STRATA MANAGER



Must give the owners corporation a copy of the **records kept** for the past 6 months



Introduction of a statutory defence for strata managing agent



NCAT can terminate contracts if SM/BM acts unlawfully





BUILDING MANAGER DUTIES

Building Managers **must not** (without reasonable excuse):



- ▶ Fail to act in the best interests of the owners corporation, or
- ▶ Breach a duty prescribed by the regulations.



Voluntary, casual or committee roles aren't Building Managers for the purposes of the legislation.



CAPITAL WORKS & MAINTENANCE PLANS



AGM must estimate CWF needs for sustainable infrastructure



CWF plan must now be in the prescribed form



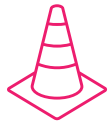
Must consider original owner's maintenance schedule when preparing the first 10-year plan



Examples include solar panels, sustainable materials, meters.

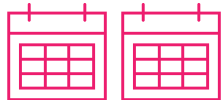


OWNERS CORPORATION'S REPAIR & MAINTENANCE DUTIES



Duty to repair & maintain cannot be deferred where:

- ▶ the safety of buildings, structures or common property is impacted
- ▶ a person's access to or use of lot or common property is impacted



TIME BAR : 6 years (up from 2)





LEVIES & PAYMENT PLANS



Levy notices must include information approved by the Secretary (Fair Trading)



Strata committee can now approve payment plans



Payment plans must not be unreasonably refused



Increase in notice to be given for commencement of debt recovery from 21 days to 30



Legal recovery costs & interest only claimable if a payment plan was first offered **and** if so, ordered by Court/Tribunal

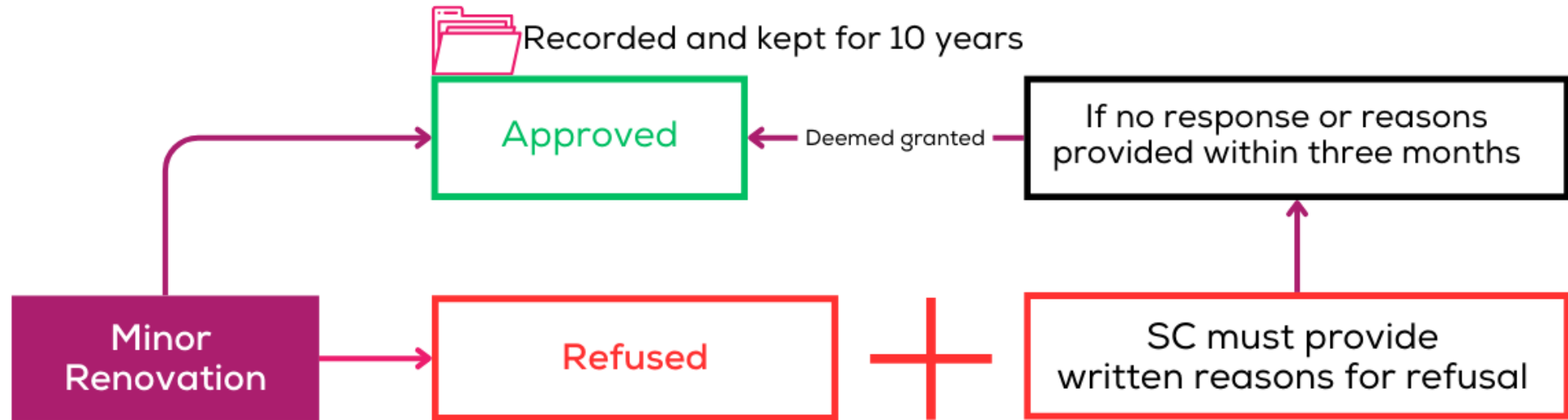


NCAT can order a payment plan if one was unreasonably refused

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BY-LAWS & MINOR RENOVATIONS



- ❖ Owners must not unreasonably withhold consent to amending or repealing a by-law
- ❖ By-laws can't prevent sustainability infrastructure solely for aesthetic reasons (unless heritage-listed)
- ❖ Special resolutions must state who is responsible for ongoing repair and maintenance
- ❖ Easier process to keep assistance animals — only one piece of chosen evidence required



BOOKS & RECORDS



Secure access now required for digital records





EXCLUSIVE SUPPLY NETWORKS



New disclosure requirements apply for
exclusive supply (embedded) networks

- ❖ Vendors must disclose exclusive networks in the contract of sale **failure allows contract rescission**

- ❖ **Section 184 Certificates must now state:**

Whether an exclusive supply network exists
Nature of services provided by the network



Exclusive Supply Network contracts

Up to 1st AGM or 3-year contract term
limit now applies

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EXCLUSIVE SUPPLY NETWORKS

Definition of "utility" includes



Communication: phone, intercom, PC data, TV



Domestic: electricity, water, waste, air conditioning, EV charging, stormwater retention, filtration, hotwater, recycling, sewerage etc



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Q & A

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THANK YOU FOR ATTENDING

We'd appreciate your feedback.

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